

to the Federal Home Loan Bank Board, etc.; to the Committee on Banking and Currency.

6266. Also, petition of the Social Democratic Federation of New York City, concerning the passage of the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

6267. By Mr. KINZER: Petition of 25 residents of Chester County, Pa., to expand the Federal relief and employment program; to the Committee on Ways and Means.

6268. By Mr. LEAVY: Resolution of the Wenatchee Rotary Club, adopted at its regular session at Wenatchee on January 4, 1940, opposing the setting aside of any further area in the State of Washington for national-park purposes, pointing out that it would seriously handicap the further development of industry, mining, lumbering, and potential water-power resources of this region and would further increase unemployment and add greater burdens of relief and taxation on the people; to the Committee on the Public Lands.

6269. By Mr. LECOMPTE: Petition of sundry citizens of Garden Grove, Iowa, urging enactment of House bill 1; to the Committee on Interstate and Foreign Commerce.

6270. By Mr. PFEIFER: Petition of the Private Chauffeurs Union, Local 800, New York City, endorsing the program of the Central Trades and Labor Council of Greater New York and Vicinity to restore the prevailing wage on all Government projects; to the Committee on Labor.

6271. By Mr. REES of Kansas: Petition of W. A. Ensign and 22 other citizens of Clay Center and Manhattan, Kans., in behalf of House bill 1; to the Committee on Ways and Means.

6272. Also, petition of Milton Parks Belcher, of Eureka, Kans., and 180 other citizens of the Fourth District of Kansas, in behalf of House bill 1; to the Committee on Ways and Means.

6273. By Mr. SABATH: Petition of the City Council of Chicago, Ill., expressing its approval of the present reciprocal-trade policy of our Government and favoring the continuance thereof; to the Committee on Ways and Means.

6274. By Mr. SUTPHIN: Petition of the United Sugar Refinery Workers Local Industrial Union, No. 151, of Edgewater, N. J., requesting that Congress make a provision to exclude the importation of refined sugar; to the Committee on Foreign Affairs.

6275. Also, petition of the Women's State Republican Club of New Jersey, Inc., opposing the Wagner health bill (S. 1620); to the Committee on Labor.

## SENATE

MONDAY, JANUARY 29, 1940

The Chaplain, Rev. ZēBarney T. Phillips, D. D., offered the following prayer:

O Thou, the ever living One, who alone abidest, in whom is all our life: Make us glad in the confidence that we are Thine, that in Thy loving care we may keep ourselves in all truth and purity, plastic to the touch of Thy gently shaping hand. As the laughter of evil or the song of victory leaves lingering echoes in the house of life, enable us to realize that in the little things, which we are so apt to overlook, we are preparing tears and shame or beauty and love in the lives of others, so great is the unforeseen might of our most trivial deed and thought. Help us, therefore, day by day to cultivate habits of goodness, established by the constant inspiration of Christlike thoughts in us, that we may never miss life's great things which do not strive or cry as they draw near, but move in gentleness and quiet calm, as they reveal in the soul's great moments the wondrous purpose of Thy will. In our dear Saviour's name we ask it. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, January 25, 1940, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Calloway, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8067. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for other purposes; and

H. R. 8068. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes.

### HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Appropriations:

H. R. 8067. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for other purposes; and

H. R. 8068. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes; to the Committee on Appropriations.

### CANCELATION OF CERTAIN CHARGES AGAINST INDIANS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copy of an order for the cancellation of certain charges in connection with reimbursable charges of the Government existing as debts against individual Indians or tribes of Indians, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

### AMENDMENT OF RETIREMENT ACTS—CREDIT FOR MILITARY SERVICE

The VICE PRESIDENT laid before the Senate a letter from the Administrator of Veterans' Affairs, transmitting a copy of proposed legislation to amend the Civil Service Retirement Act and other retirement acts, which, with the accompanying paper, was referred to the Committee on Civil Service.

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate petitions of the Maybury Alumni Association and sundry citizens, all in the State of Michigan, praying for the enactment of legislation to exempt handicapped persons, such as arrested tuberculosis workers, on W. P. A. projects from the operation of the lay-off provision after 18 months of such work, which were referred to the Committee on Appropriations.

He also laid before the Senate a letter in the nature of a petition from Local No. 114, Alkaline Salt Workers, of Trona, Calif., praying for the continuance of the so-called La Follette Civil Liberties Committee, investigating the question of civil rights and the rights of labor, and expressing appreciation for the work of the committee, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution of the Social Democratic Federation of New York City, N. Y., favoring the enactment of the so-called Wagner-Steagall housing bill, providing for the issuance of additional U. S. H. A. bonds in the amount of \$800,000,000, etc., so as to provide better housing conditions, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution of the Laymen's League of the Church of Our Father (Unitarian-Universalist), Detroit, Mich., favoring all possible material assistance, short of war, to the Republic of Finland, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution of the Pennsylvania State Camp, Patriotic Order Sons of America, Philadelphia, Pa., remonstrating against the appointment of Myron C. Taylor as representative at the Vatican and requesting the recall of Mr. Taylor, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution of Local No. 10 (C. I. O.), United Federal Workers of America (Social Security Board), Washington, D. C., favoring the prompt enactment of pending antilynching legislation, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution of the Bogata National Farm Loan Association, of Clarksville, Tex., favoring the restoration of the Farm Credit Administration to the status of an independent bureau and the placing of the operations of the Federal land banks, National farm-loan associations, and other units of the Administration under the supervision of a bipartisan board appointed by the President for fixed terms, by and with the advice and consent of the Senate, which was referred to the Select Committee on Government Organization.

Mr. CAPPER presented a letter in the nature of a petition from Local No. 1, Citizens' Workers Union of America, of Kansas City, Kans., signed by Nellie M. Hubbard, secretary-treasurer, praying for the enactment of legislation to provide old-age pensions and relief for the unemployed, which was referred to the Committee on Finance.

He also presented petitions of members of the Woman's Christian Temperance Union of St. John and sundry citizens of Climax and Severy, all in the State of Kansas, praying for the enactment of the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, which were ordered to lie on the table.

Mr. TYDINGS presented a petition of sundry citizens of the State of Maryland, praying for the enactment of Senate bill 1766, providing a pension for sightless persons who have not sufficient income to be self-supporting, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of North East, Md., praying for the enactment of legislation to grant a loan to the Republic of Finland, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of the State of Maryland, praying for the prompt enactment of legislation to impose an embargo on the sale of all war supplies and materials to Japan, which was referred to the Committee on Foreign Relations.

Mr. HOLT presented resolutions of Eph Boggs Post, No. 49, American Legion, Department of West Virginia, of Williamson, and Huntington Post, No. 16, American Legion, of Huntington, both in the State of West Virginia, favoring continuance of the so-called Dies committee investigating un-American activities and appropriation of the necessary funds therefor, which were referred to the Committee on the Judiciary.

He also presented a resolution of the twenty-first annual convention of the American Legion, Department of West Virginia, at Bluefield, W. Va., favoring the enactment of a general pension law for World War veterans, which was referred to the Committee on Finance.

He also presented a resolution of the Twenty-first Annual Convention of the American Legion, Department of West Virginia, at Bluefield, W. Va., protesting against the enactment of legislation providing for the forced retirement of Army officers who have reached a certain age in grade, regardless of their capacity, which was referred to the Committee on Military Affairs.

He also presented letters in the nature of petitions from sundry citizens of Middlebourne, Buchanan, Webster Springs, and Jane Lew, all in the State of West Virginia, praying for the enactment of the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, which were ordered to lie on the table.

#### SHIPMENT OF WAR MATERIALS TO JAPAN—RESOLUTION

Mr. BARBOUR. Mr. President, I present and ask to have incorporated in the RECORD at this point a resolution adopted by the congregation of the Second United Presbyterian Church of Jersey City, N. J., with reference to our trade relations with Japan. I ask that the resolution be referred to the Committee on Foreign Relations for their most serious consideration.

The resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

We, the congregation of the Second United Presbyterian Church, hereby petition the United States Senate that in the new treaty to be entered into with Japan all materials that could be used to create weapons of war be excluded from said treaty and rigid legislation to carry out this provision be enacted by the Senate.

Submitted by Rev. James Parker, pastor, Second United Presbyterian Church, 110 Hancock Avenue, Jersey City, N. J.

#### REPORTS OF COMMITTEES

Mr. ADAMS, from the Committee on Appropriations, to which was referred the bill (H. R. 8067) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for other purposes, reported it with amendments and submitted a report (No. 1167) thereon.

Mr. REYNOLDS, from the Committee on Military Affairs, to which was referred the bill (S. 3130) relating to the citizenship and compensation of certain employees on military construction work in the Panama Canal Zone, reported it without amendment and submitted a report (No. 1168) thereon.

Mr. HAYDEN, from the Committee on Printing, to which was referred the joint resolution (S. J. Res. 71) relating to pay to certain employees of the Government Printing Office for uncompensated leave earned during the fiscal year 1932, reported it with an amendment and submitted a report (No. 1169) thereon.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 221) to pay a gratuity to Mattie N. Cole (submitted by Mr. NEELY on the 23d instant), reported it without amendment.

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the following nominations:

Julius J. Wichser, of Indiana, to be United States marshal for the southern district of Indiana; and

Edwin D. Bolger, of Michigan, to be United States marshal for the western district of Michigan.

Mr. MILLER, from the Committee on the Judiciary, reported favorably the nomination of William J. Barker, to be United States district judge for the southern district of Florida, vice Alexander Akerman, retired.

Mr. HATCH, from the Committee on the Judiciary, reported favorably the nomination of John Patrick Hartigan, of Rhode Island, to be United States district judge for the district of Rhode Island, vice John C. Mahoney.

Mr. NEELY, from the Committee on the Judiciary, reported favorably the nomination of Armistead M. Dobie, of Virginia, to be judge of the United States Circuit Court of Appeals for the Fourth Circuit.

Mr. CHANDLER, from the Committee on the Judiciary, reported favorably the nomination of Theron Lamar Caudle, of North Carolina, to be United States attorney for the western district of North Carolina, vice Marcus Erwin, deceased.

Mr. PITTMAN, from the Committee on the Judiciary, reported favorably the nomination of Alfred D. Barksdale, of Virginia, to be United States district judge for the western district of Virginia.

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the nomination of David J. Lewis, of Maryland, to be a member of the National Mediation Board for the term expiring February 1, 1943 (reappointment).

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, reported favorably the nomination of Ernest Gruening, of New York, to be Governor of the Territory of Alaska (now serving under recess appointment) vice John W. Troy, resigned.

Mr. KING, from the Committee on the District of Columbia, reported favorably the nomination of Melvin C. Hazen, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of 3 years and until his successor is appointed and qualified (reappointment).



Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GILLETTE:

S. 3208. A bill to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Commerce.

By Mr. BILBO:

S. 3209. A bill granting the consent of Congress to the Mississippi Highway Commission to construct, maintain, and operate a free highway bridge across Pearl River in the State of Mississippi; to the Committee on Commerce.

(Mr. DANAHER introduced Senate bill 3210, which was referred to the Committee on Appropriations and appears under a separate heading.)

By Mr. SMATHERS:

S. 3211. A bill for the relief of the Passaic Valley Sewerage Commissioners; to the Committee on Claims.

By Mr. McKELLAR:

S. 3212. A bill granting an increase of pension to Claude Hathorn; and

S. 3213. A bill granting a pension to Chanley Freeman (with accompanying papers); to the Committee on Pensions.

S. 3214. A bill to amend the act entitled "An act for the relief of Dr. R. N. Harwood," approved June 10, 1935; to the Committee on Claims.

By Mr. LUCAS:

S. 3215. A bill granting a pension to Clara May Shaffer; and  
S. 3216. A bill granting a pension to Sarah Elizabeth Shaffer; to the Committee on Pensions.

By Mr. JOHNSON of Colorado:

S. 3217. A bill to provide for boards of local stockmen to advise and make recommendations to the Secretary of Agriculture with respect to the administration of grazing lands within the national forests; to the Committee on Agriculture and Forestry.

By Mr. WILEY:

S. 3218. A bill for the relief of Schroeder Employees' Thrift Club; to the Committee on Claims.

By Mr. GIBSON:

S. 3219. A bill for the relief of Capt. Mariano S. Sulit, his wife, Estela R. Sulit, and two children, Mariano R. and Rodolfo A. Sulit; to the Committee on Immigration.

By Mr. KING:

S. 3220. A bill to amend the District of Columbia Revenue Act of 1939; and

S. 3221. A bill to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes; to the Committee on the District of Columbia.

By Mr. VAN NUYS:

S. 3222. A bill granting a pension to Clara Bascom Hamilton Mathews; to the Committee on Pensions.

By Mr. MALONEY:

S. 3223. A bill for the relief of Arthur A. Schipke; to the Committee on Claims.

By Mr. BAILEY:

S. 3224. A bill to make effective the provisions of the Minimum Age (Sea) Convention (Revised), 1936, and for other purposes; to the Committee on Commerce.

By Mr. BYRD:

S. 3225. A bill for the relief of C. W. Smith, B. F. Couk, and J. H. Hobbs; to the Committee on Civil Service.

By Mr. CLARK of Idaho (for Mr. BONE):

S. J. Res. 206. Joint resolution creating a joint committee to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law; to the Committee on the Library.

#### REPEAL OF SECTION 16 (B) OF EMERGENCY RELIEF APPROPRIATION ACT

Mr. DANAHER. Mr. President, I introduce a bill to repeal section 16 (b) of the joint resolution entitled "Emergency Relief Appropriation Act of 1939." I ask unanimous consent at this time for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Connecticut introduces a bill and asks unanimous consent for its present consideration.

Mr. BARKLEY. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The bill (S. 3210) to repeal section 16 (b) of the joint resolution entitled "Emergency Relief Appropriation Act of 1939" was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.—*

Section 16 (b) of the joint resolution entitled "Emergency Relief Appropriation Act of 1939," approved June 30, 1939, is hereby repealed.

Mr. DANAHER. Mr. President, let me, before I ask the consideration of the bill by the Senate, point out exactly what I have in mind by this particular bill.

When we adopted the appropriation for work relief in 1939 we wrote into it section 16 (b), which reads:

(b) There shall be removed from employment on Work Projects Administration projects all relief workers, excepting veterans, who have been continuously employed on such projects for more than 18 months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (a) the expiration of 30 days after the date of his removal, and (b) recertification of his eligibility for restoration to employment on such projects.

That is sufficient to indicate the purpose in mind. The Administrator has recently conducted an extensive survey. The reports of his survey are available. He points out that of the hundreds of thousands of relief workers who were discharged pursuant to that provision less than 13 percent have been able to find reemployment; that a very considerable percentage of them are destitute and without means of any kind whatever; and the remaining percentage are on direct relief in the cities and States of which they are residents. It seems to me that, with all the talk about relief for Finland and other nations, we can very properly take care of the hundreds of thousands of Americans who find themselves in that position. It seems to me further that Congress ought immediately undertake, through the Senate, to set the wheels in motion to correct that inequity. I, therefore, speak as I do in asking unanimous consent for the present consideration of the proposed repealer.

Mr. McKELLAR. Mr. President, I suggest that the bill be referred to the Committee on Appropriations in the usual way. I object to its immediate consideration, since it should be referred to the committee.

The VICE PRESIDENT. The Senator from Tennessee objects, and the bill will be referred to the Committee on Appropriations.

#### ADVERTISEMENT OF ALCOHOLIC BEVERAGES BY RADIO—AMENDMENT

Mr. JOHNSON of Colorado submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, which was ordered to lie on the table and to be printed.

#### REPORT ON THE NATCHEZ TRACE

Mr. BILBO. Mr. President, the Seventy-third Congress, second session, appropriated \$50,000 for a survey of the Natchez Trace. I submit at this time a resolution requiring that the report prepared pursuant to the expenditure of the \$50,000 be transmitted to the Senate. I ask that the resolution may lie over under the rule, so that I may speak about it at the next meeting of the Senate.

There being no objection, the resolution (S. Res. 222) was ordered to lie over under the rule, as follows:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate the Report of a Survey of the

Old Indian Trail, known as the Natchez Trace, which was made pursuant to an act approved May 21, 1934, with a view of constructing a national road on this route to be known as the Natchez Trace Parkway.

#### THE FEDERAL JUDICIARY—ADDRESS BY SENATOR M'KELLAR

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD an address recently delivered by him at Nashville, Tenn., which appears in the Appendix.]

#### ADDRESS BY SENATOR TOWNSEND ON THE GOLD AND SILVER PROBLEM

[Mr. TAFT asked and obtained leave to have printed in the RECORD an address on the gold and silver problem, delivered by Senator TOWNSEND before the Del-Mar-Va Press Association at Wilmington, Del., on January 27, 1940, which appears in the Appendix.]

#### ADDRESS BY SENATOR GUFFEY AT PHILADELPHIA, PA.

[Mr. NEELY asked and obtained leave to have printed in the RECORD an address delivered by Senator GUFFEY at Philadelphia, Pa., on January 27, 1940, which appears in the Appendix.]

#### ADDRESS BY SENATOR BRIDGES AT MANKATO, MINN.

[Mr. CAPPER asked and obtained leave to have printed in the RECORD the address delivered by Senator BRIDGES on January 27, 1940, at Mankato, Minn., which appears in the Appendix.]

#### JACKSON DAY ADDRESS BY SENATOR CHANDLER

[Mr. BYRD asked and obtained leave to have printed in the RECORD a Jackson Day address delivered by Senator CHANDLER at Richmond, Va., on January 15, 1940, which appears in the Appendix.]

#### ADDRESS BY JUDGE ALBERT W. JOHNSON ON RELATIONS OF UNITED STATES TO PRESENT WORLD CONFLICT

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address on the duties and responsibilities of the United States in the present world conflict, delivered by Hon. Albert W. Johnson, United States district judge, middle district of Pennsylvania, to the Lions Club, Scranton, Pa., on January 23, 1940, which appears in the Appendix.]

#### OPINION OF SUPREME COURT ON FORECLOSURES UNDER FARM BANKRUPTCY ACT

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD the opinion of the Supreme Court of the United States rendered January 2, 1940, on the Farm Bankruptcy Act, which appears in the Appendix.]

#### ADDRESS BY CAPT. ERNEST SCHECHINGER AT WILMINGTON, DEL.

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD an address delivered by Capt. Ernest Schechinger, before the Reserve Officers' Association at Wilmington, Del., on January 17, 1940, which appears in the Appendix.]

#### ELECTRIC RATES OF MUNICIPALITIES IN TENNESSEE VALLEY

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD a letter and accompanying papers, written by L. J. Wilhoite, chairman of the Electric Power Board of Chattanooga, Tenn., relative to electric rates paid by municipalities of the Tennessee Valley, which appear in the Appendix.]

#### ARTICLE BY RAYMOND CLAPPER ON NEBRASKA DROUGHT

[Mr. NORRIS asked and obtained leave to have printed in the RECORD an article on the Nebraska drought, written by Raymond Clapper and published in the Washington Daily News of January 26, 1940, which appears in the Appendix.]

#### ARTICLE BY JOHN T. FLYNN ON PROPAGANDA AND THE WAR DEBTS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by John T. Flynn relative to propaganda and the war debts, which appears in the Appendix.]

#### SILVER—ARTICLE FROM THE ECONOMIST

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD an article with reference to silver, published in the Economist for December 9, 1939, which appears in the Appendix.]

#### ARTICLES BY JAY FRANKLIN ON THE LA MONT BOILER

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD several articles by Jay Franklin with reference to the La Mont boiler, which appear in the Appendix.]

#### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	King	Russell
Andrews	Ellender	Lee	Schwartz
Ashurst	Frazier	Lodge	Schwellenbach
Austin	George	Lucas	Shipstead
Bailey	Gibson	Lundeen	Slattery
Bankhead	Gillette	McKellar	Smathers
Barbour	Glass	McNary	Smith
Barkley	Green	Maloney	Taft
Bilbo	Guffey	Mead	Thomas, Okla.
Brown	Gurney	Miller	Townsend
Bulow	Hale	Minton	Tydings
Byrd	Harrison	Murray	Vandenberg
Byrnes	Hatch	Neely	Van Nuys
Capper	Hayden	Norris	Wagner
Chandler	Herring	Nye	Walsh
Chavez	Hill	O'Mahoney	Wheeler
Clark, Idaho	Holman	Overton	White
Connally	Holt	Pepper	Wiley
Danaher	Hughes	Pittman	
Davis	Johnson, Calif.	Radcliffe	
Donahey	Johnson, Colo.	Reynolds	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Missouri [Mr. CLARK], and the Senator from Texas [Mr. SHEPPARD] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Nevada [Mr. McCARRAN], the Senator from Tennessee [Mr. STEWART], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from Utah [Mr. THOMAS] is detained on official business for the Special Committee on Civil Liberties.

Mr. McNARY. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Kansas [Mr. REED] are necessarily detained from the Senate.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

#### CELEBRATION OF THE PRESIDENT'S BIRTHDAY

Mr. BARKLEY. Mr. President, on tomorrow all over the Nation the President's birthday will be celebrated, as it has been celebrated for a number of years, in a very unique and commendable fashion. The President's birthday will be celebrated by balls and festivities throughout the Nation for the purpose of raising funds to contribute to the elimination of that dread disease, infantile paralysis. On tomorrow 17, or about that number, outstanding movie stars and other actors and actresses will journey to Washington at their own expense in order to honor the President's birthday, and make their contribution to this great humanitarian cause.

One of those stars of the cinema, famous and well known to every household in America, who will be here tomorrow, and is here now to join and participate in the celebration of the President's birthday, is Miss Olivia de Havilland, who plays the important part of Melanie in *Gone With the Wind*. She is not only an accomplished actress, but is a charming personality on and off the stage. Miss de Havilland is honoring us today by her presence in the family gallery, and I am proud to call the attention of the Senate to the fact that she is here, and among those who are to assist in the celebration of the President's birthday.

#### ORDER OF BUSINESS

Mr. ELLENDER obtained the floor.

Mr. NEELY and other Senators addressed the Chair.

The VICE PRESIDENT. Some days ago the Senator from Louisiana gave notice that he desired to address the Senate today. Therefore, the Chair thinks it is his duty today to recognize the Senator from Louisiana.

Mr. McNARY. Mr. President, just a moment, please. Has a request been made for recognition at this time?



The VICE PRESIDENT. Yes; the Senator from Louisiana has requested recognition and has been recognized by the Chair.

Mr. McNARY. We are all very anxious to hear the able Senator; but, in view of the rule, it can be done only by unanimous consent.

The VICE PRESIDENT. The Senator is correct.

Mr. McNARY. We are to have a short session. I should like the Senator to yield for a few minutes in order to enable the Senate to dispose of the routine morning business. It will not take long.

Mr. ELLENDER. I thought that had been done.

Mr. McNARY. No; I do not think it has been done.

The VICE PRESIDENT. We have reached the point of the consideration of bills on the calendar.

Mr. BARKLEY. I ask unanimous consent that the call of the calendar be dispensed with.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. BARKLEY. Mr. President, if the Senator from Louisiana will yield, I understand that the Senator from Colorado [Mr. ADAMS] has a report from the Committee on Appropriations of an urgent deficiency bill which can be taken up today only by unanimous consent. I had spoken to the Senator from Oregon [Mr. McNARY] about the bill, and I understood that there would be no objection to its consideration today. It will take only a very few moments, I think, to dispose of the bill; and if the Senator from Louisiana is willing to wait until that bill can be disposed of, I think there will be no further cause for delay.

Mr. ELLENDER. I yield for that purpose.

Mr. McNARY. Mr. President, it is true that the able Senator from Kentucky spoke to me informally about the bill as I came into the Senate Chamber a moment late. Subsequently I discussed the matter with the able Senator from Colorado [Mr. ADAMS], in charge of the bill.

The practice of waiving the rules under unanimous-consent agreements is one which I deplore. It always leads to some dissatisfaction and misunderstanding or disappointment. The able Senator in charge of the bill is very fair about such matters. I think it best to let the bill go over and defer action on it until tomorrow, so that Senators may read the bill and the report. Then there can be no complaint from anyone.

For that reason I must state to the Senator from Kentucky that I think it best that the bill go over.

#### LOUISIANA DEMOCRATIC PRIMARY

Mr. ELLENDER. Mr. President—

The VICE PRESIDENT. Does the Senator from Louisiana ask unanimous consent that he may address the Senate?

Mr. ELLENDER. I do.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Louisiana will proceed.

Mr. ELLENDER. Mr. President, I ask the indulgence of the Senate so that I may discuss a few phases of the Democratic primary election that was held in Louisiana on January 16, which may excite the interest and attention of Senators.

At the outset, I desire to state that it has been my privilege to participate actively in the gubernatorial campaigns of my State since 1920. Never have I witnessed one that has been so bitter, so vitriolic, and wherein there was more slander, libel, and vilification resorted to by some of the candidates seeking the high office of Governor, than in the present campaign. Certain organs of the press of the State have been most vile and abusive in their attempt to further the cause of their choice, candidate Jones, and they resorted to a most disgraceful abuse of the privilege guaranteed to them by our Federal Constitution—freedom of the press.

There were five candidates for Governor. Hon. Earl K. Long headed the ticket sponsored by the Huey Long organization. The remaining four—Sam Jones, James A. Noe, James H. Morrison, and Vincent Mosely—ran as independents. The four independent candidates and all of the newspapers published in our State, except a few weeklies, centered their fire

against Governor Long. No candidate for public office has ever been subjected to more vile, vicious, and unjust criticism than Governor Long. The independent candidates likewise criticized each other in no uncertain terms, with the result that the electorate of our State was thrown into a panic of confusion, indecision, and mistrust, and, in short, was subjected to a harrowing ordeal.

This deplorable condition was fanned into flame by the newspapers of the State and the independent candidates, who found the comfort they needed by using the Federal grand jury investigations as the basis for their attack against all candidates supported by the Long administration. As I shall hereafter point out, on several occasions I commended the press, as well as the Federal prosecutors, for their splendid work in exposing certain conditions that existed in our State, and for prosecuting persons who had violated their trust. My statements were ridiculed, twisted around, and grossly misrepresented by the press of the State, because I dared to defend and support the administration ticket headed by Governor Long.

Mr. President, the candidates on the Long administration ticket are able and capable executives. Their honor and integrity have been found to be beyond reproach. The finger of scorn was often pointed in their direction by malicious scandal mongers, but they always weathered the charges. With scores of Federal investigators scouring Louisiana since June 1939, these candidates have been thoroughly investigated, and no evidence of wrongdoing has been found to warrant prosecution, and yet they have been continuously abused and vilified by the opposition.

Today there are two Federal grand juries in session in the eastern district of Louisiana; one has been in almost continuous session since June, and the other since November 1939. I will not discuss the nature of the indictments presented to the court by these grand juries. I have no criticism to make of their work in bringing wrongdoers to justice, but I do believe that their work has been unnecessarily delayed and prolonged.

On several occasions I publicly complimented Mr. O. John Rogge, special prosecutor for the Justice Department, for the splendid service that he had performed in my State. However, on January 4, my attention was called to the following news item which appeared in every daily newspaper in my State. I am now reading from the New Orleans States of that date. In bold type, written across the entire page, appear these words: "Warns vote thieves here."

This appeared on January 4, 1940, 12 days before our election. I read from the article:

VOTE THIEVES WARNED BY ROGGE ON PRIMARY—PROBE CHIEF SAYS VIOLATIONS IN JANUARY 16 ELECTION TO BE PROSECUTED

Assistant Attorney General O. John Rogge, before leaving New Orleans at 1:30 p. m. today for Washington, D. C., issued a warning against fraud in the approaching Democratic primary when he invited any persons who may know of any fraud which may be thought to have been committed in any election in Louisiana now or in the future to report the facts to the Department of Justice or to the Attorney General's office.

In the New Orleans Item, an afternoon paper published in the city of New Orleans, under date of January 4, 1940, is another headline:

Warns on vote fraud.

And again appeared this statement:

ROGGE ASKS EVIDENCE BE REPORTED

A warning against the commission of any fraud in the forthcoming January 16 primary election was issued by Assistant United States Attorney General O. John Rogge today, a few hours before he departed for a conference with his chief in Washington, and as the new Federal grand jury took up its investigation of alleged frauds committed in previous Louisiana elections.

Mr. Rogge invited anyone with knowledge of fraud in the coming election, to report the facts to the Department of Justice or the United States attorney, to determine whether such frauds would fall within Federal jurisdiction.

The New Orleans Times-Picayune, another newspaper published in the city of New Orleans, carried this headline:

Rogge invites citizens to offer evidence of frauds in elections.

This appeared 12 days before the primary election held in Louisiana. It goes on in sum and substance with about the same story I have just read from the other newspapers.

I hold in my hand the Morning Advocate, a newspaper published in the city of Baton Rouge, La., on January 5, 1940:

United States ready to investigate any reports of fraud in Democratic primary here.

Rogge issues warning on eve of leaving for capital.

This is under an Associated Press byline:

The Federal Government today gave warning it was ready to investigate any reports of fraud in the January 16 Democratic primary, in which Gov. Earl K. Long is seeking reelection over the opposition of four other candidates.

Assistant Attorney General O. John Rogge issued the warning shortly before a Federal grand jury began an investigation of reported frauds in previous Louisiana elections.

The following headline appeared in the New Orleans States on January 3:

Launch vote probe. Murphy for court.

Here was an investigation which evidently was timed with our election, which was to take place on January 16. Those in authority were attempting to investigate an election which was held 2 or 3 years ago, and in which the candidate had no opposition. I charge that all of this was timed in order to have the grand jury in session during the primary election. As a matter of fact, grand jurors were in session on the day we held our election, and commissioners and other men high in office in Louisiana were summoned before the grand jury a few days before the election, on the day of the election, and after the election was held.

Mr. KING. Mr. President, would it interrupt the Senator for me to make an inquiry?

Mr. ELLENDER. Not at all. I yield.

Mr. KING. By what authority is the Federal Government interfering with an election which is purely and exclusively a State election? Are we to go back to the day of the reconstruction period and have the Federal Government inject itself into elections local in character within the various States?

Mr. ELLENDER. I am coming to that, I may say to the Senator from Utah, and it is that consideration which leads me to bring this matter to the attention of the Senate. I propose to point out how the newspapers of our State used these statements by Mr. Rogge, and used the Federal grand jury to further the cause of their own candidate. I do not say it was done with the knowledge and consent of the Department of Justice in Washington, but the newspapers of my State have been using the grand jury in the State of Louisiana, and have been using statements made by the Federal prosecutors in order to help their candidate, and I propose to demonstrate that.

I hold in my hand a newspaper, the Sunday Item-Tribune, published in New Orleans on December 24, 1939, from which I read a headline:

United States to probe elections.

This appeared nearly a month before the time of the election. Although the grand jury had been sitting in my State since June, they saw fit to wait until a few weeks before our State primary election to ventilate these matters.

I read again from the New Orleans Tribune under date of January 5:

#### HE WARNS ON FRAUDS AT POLLS

O. John Rogge, assistant United States attorney general in charge of the Federal probe of Louisiana's public life, left for Washington yesterday on the noon train, issuing a last warning against the commission of any fraud in the forthcoming January 16 gubernatorial primary in Louisiana.

I became incensed; I felt that Mr. Rogge was exceeding his authority in assuming that an election, to be held 12 days hence, might be crooked. I considered his act an encroachment on States' rights. I felt that all candidates were amply protected under our State laws in that they were represented at the polls by commissioners and watchers. On the other hand, why should the Federal Government interfere in a State election to select State officials? The exercise of such a right would interfere with purely domestic affairs of the

State and infringe upon liberties reserved to the people. I was convinced that the newspapers of the State would seize upon Mr. Rogge's announcement and use it as a means of intimidating the voters of a sovereign State. I immediately contacted a friend in New Orleans and suggested that he send copies of the newspapers printed in New Orleans to Attorney General Murphy, and that I would wire Mr. Murphy.

On January 8, after my return to Louisiana, I wired Mr. Murphy as follows:

HOUMA, LA., January 8, 1940.

HON. FRANK MURPHY,

The Attorney General, Washington, D. C.:

Hope you have received newspaper clippings sent to you my request, particularly one appearing Times-Picayune, January 5, with headline written across entire page as follows "Rogge invites vote fraud evidence." As I stated to you on many occasions, I do not mind a fair and just investigation, but I believe it unfair for a Federal prosecutor of Mr. Rogge's prominence to issue such statements in advance of the election. Our people cannot be intimidated. I feel confident you do not countenance such tactics, but I am calling them to your attention for your scrutiny. A telegram from you indicating your position in this matter which I may use would be very much appreciated. In the meantime I am making a newspaper file for probable presentation to the Senate at an early date. In view of the fact that our election will take place on the 16th this month, and in further view of the fact that our State has been under constant investigation since last June, is it not apropos to ask that the grand jury investigations be postponed until after election? I believe this is a fair request, and I am in hopes that you will accede to it.

ALLEN J. ELLENDER,  
United States Senator.

On the same day I wired the junior Senator from Nebraska [Mr. BURKE] as follows:

HOUMA, LA., January 8, 1940.

HON. EDWARD R. BURKE,

United States Senator, Washington, D. C.:

Am air mailing clippings reference Louisiana situation and Justice Department which may be of interest to you. Would like opportunity of presenting more. I do not want to believe that head of Justice Department is aware of how his assistants are misusing their sacred trust. These tactics are nothing short of persecution and are intended to intimidate the citizens of a sovereign State. Regards.

ALLEN J. ELLENDER,  
United States Senator.

In a few minutes I will read a prepared statement that I submitted to the press, which will explain why I wired the Senator from Nebraska.

Before I proceed further, I desire to exhibit a few newspaper headlines and advertisements to show that the newspapers did use Mr. Rogge's statement, did use the Justice Department, in order to further the cause of Sam Jones, the press-supported candidate.

I hold in my hand an advertisement which appeared in every daily newspaper in the State of Louisiana, under date of January 11. The advertisement covers a whole page. It shows a United States soldier standing guard next to a letter box, and at the top of the page is written in bold type:

Uncle Sam protects your vote.

And in that advertisement is quoted the warning of Mr. Rogge as to what he intended to do in this election, and at the bottom of the page are these words:

Vote with confidence for Sam Jones.

All of this was done notwithstanding the law of the United States which provides—

That Army and Navy officers will be punished if they bring troops to a place where a general or special election is being held, unless needed to repel armed enemies of the United States.

I have before me another advertisement which, I am informed, appeared in all the daily newspapers of the State, under date of January 14, headed:

Your civil liberties and your vote \* \* \* the safeguard of democracy \* \* \* are protected by State and Federal laws.

The Statue of Liberty with glowing torch is very prominent. And in that advertisement appears the statement of Mr. Rogge, which is headed:

UNITED STATES GOVERNMENT TO PROBE ELECTION IRREGULARITIES

Assistant United States Attorney General O. John Rogge says that the Government will seek to apply the mail-fraud statute as a result of the case of *United States v. Aczel*, reported in 219 Federal 917, in



which Alexander Aczel and others were indicted for conspiracy and for using the mails to carry out a scheme to defraud in Indiana by threatening the liberty of voters in the election of certain officials.

And then the advertisement goes on to cite the case itself.

Here is another full-page advertisement which appeared in the newspapers of my State. This particular advertisement appeared in the Times-Picayune under date of the 9th of January 1940, and it shows Candidate Jones standing with a great big American eagle hovering over his head. He must be ashamed of the good old "pelican" which happens to be the emblem of our State.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. THOMAS of Oklahoma. I have had some little experience in connection with elections. I should like to ask a question based upon the Senator's statement. He just stated that all the newspapers in Louisiana carried these advertisements. The advertisements appear to cover an entire page. To me that would indicate that a considerable sum had been expended to defray the expenses of these advertisements.

Mr. ELLENDER. I will say to the Senator from Oklahoma that there is no telling how much money was spent in this election, because these advertisements were paid for by those sponsoring Sam Jones, the man who is backed by the corporate interests as well as the newspapers of our State. He was accused during the campaign of having received large sums from corporate interests to further his campaign, and he never denied the charge.

Mr. THOMAS of Oklahoma. My question was, or would have been, Who is defraying the expense of this enormous advertising bill, if the Senator knows?

Mr. ELLENDER. Why the Sam Jones' headquarters, I will say to the Senator. The money is expended by the managers of Mr. Sam Jones, who is being backed by the corporate interests of the State, and not only by the corporate interests of the State of Louisiana, but of adjoining States and of other States of the United States. There is no telling the size of the slush fund that was expended and that will be spent from now until February 20, the date of the second primary.

In another newspaper, the New Orleans Item, appears the following:

United States gets Jones' appeal.

Now, what was that appeal?

Twenty affidavits given to Rogge; attempted bribery is charged.

I was informed that a few days before the election the campaign managers of Mr. Jones made an appointment with Mr. Rogge, and had photographers and newspaper reporters on hand, and the managers had asked Mr. Rogge to pose with them. This was evidently done in order to further their campaign advertisement in behalf of candidate Jones. Mr. Rogge refused. But the next best thing was done, which was to have a picture taken of the two managers entering the office of the United States Attorney. On the door of the office leading into the United States Attorney's room are the words "United States Attorney." These pictures which I hold in my hand were published all over the State, with the view, as I said a while ago, of using the Federal grand jury and the Federal prosecutor in order to aid Sam Jones, the corporate-interest candidate.

As Senators will note, the picture on the front page of the newspaper shows two men entering the door and upon the door appears the following: United States Attorney.

Then appears the following:

CANDIDATE'S MANAGER SAYS COMMISSIONERS WERE APPROACHED—CLAIMS BIG OFFER—GOVERNMENT AIDE TOLD OF ALLEGED TRIES FOR SWITCH

Charles C. Zatarain, city campaign manager for Sam Jones, candidate for Governor, today laid about 20 affidavits before Assistant United States Attorney General O. John Rogge, alleging attempts at intimidation and bribery of Jones' election commissioners by campaign workers for Governor Long.

Shortly afterward, Mr. Rogge announced that he had referred the complaints, like others, to members of the staffs of the United States Attorney's office—

And so forth.

Here is another picture that appeared in the New Orleans Times-Picayune under date of January 23, after the election.

LXXXVI—46

The picture shows Mr. Sam Jones, the candidate for Governor against Long, entering the United States attorney's office, and on the door he is about to open appears "United States Attorney." At the top of the picture appears the following:

Candidate Jones sees Federal men.

And below the picture are these words:

Sam Jones, who meets Earl K. Long in the second Democratic primary February 20, Monday, turned in to Federal authorities between 250 and 300 complaints of election irregularities alleged to have occurred at Orleans parish polls last Tuesday.

Another headline appearing in the Times-Picayune, New Orleans, Friday, January 12, 1940, reads:

Rogge pushes vote probe before "new" Federal jury.

He summoned to this probe some of the commissioners who had been selected to serve at various precincts at the election held on January 16. Many of them were brought there, were made to sit in the ante room for hours, and were never called upon, and then told that they could go home. All of this, Senators, was to my way of thinking done simply and solely in order to intimidate the people of my State.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. ELLENDER. I will yield for a question.

Mr. SMATHERS. Was it pointed out to Mr. Rogge that his name and the Federal Department of Justice were being used and their influence was being used in a party primary, and was he asked to correct the situation?

Mr. ELLENDER. He would have to be blind not to see it from these newspaper articles, I will say to the Senator. I personally called them to his attention, and stated to him that we did not need him or any other Federal official to conduct elections in Louisiana; that we had handled our own elections in the past, and, as far as I was concerned, we did not need his services. As I said, I pointed out all of these newspaper headlines and everything else to him, but it did not seem to have any effect. He took the position that he was acting in line of duty. In justice to Mr. Rogge, he always contended that he would not let the investigations interfere with our election.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. CHAVEZ. Does the Senator from Louisiana consider that particular assistant United States attorney to be one of the governmental officials who are exempt from the Hatch law as a policy-making official?

Mr. HATCH. He would be exempt?

Mr. ELLENDER. No; he is not exempt; of course not. I would not say that he is exempt, if that is what the Senator from New Mexico has in mind. How could it be said that a prosecutor is exempt if he should use the power of his office to influence votes?

Mr. CHAVEZ. That is what I had in mind, because if I recall the provisions of the law sponsored by my colleague the senior Senator from New Mexico [Mr. HATCH], the idea was to prevent governmental officials from interfering in any way with or intimidating voters in elections.

Mr. ELLENDER. Mr. President, I have a score more of these advertisements that have appeared in all the newspapers of the State. I have one here that might answer the question propounded to me a while ago by the Senator from Utah [Mr. KING] with reference to carpetbagging days in the South. I have before me an advertisement which appeared in all the newspapers of the State under date of January 10. It shows candidate Jones reading an inscription appearing at the base of a monument that was built at the head of Canal Street, New Orleans, over 65 years ago. On the base of that monument appears the following inscription:

We therefore call upon the people to assemble at Clay's statue, Canal Street, and declare that they mean to be free.

CITIZENS' COMMITTEE.

What caused the building of that statue was that 65 or 70 years ago the Federal Government was in charge of affairs in the South. The Federal Government permitted liberated Negroes, who had been slaves just a few years before, to vote, and these colored people were placed in charge of the affairs of Louisiana, and of many other States in the South.

And how? By interference on the part of the Federal Government. Sixty-five years ago a band of white citizens of my State met at the head of Canal Street in the city of New Orleans, and there followed a battle which liberated our State from further Federal control in the elections, and made Louisiana a white man's State. Evidently candidate Jones did not know what this inscription was all about.

Let me point out how far some of the Negro newspapers in the South have gone, and the advantage they have taken of this situation. I have before me several issues of the *Sepia Socialite*, a Negro newspaper published weekly in New Orleans. The issue of Saturday, January 6, 1940, carries the headline:

G-Men may see Negroes vote in January primaries. Editor writes Rogge. Louisiana Negroes eye election fraud investigation with hope.

This is the letter to which I referred a moment ago:

NEW ORLEANS, LA., January 4, 1940.

MR. O. JOHN ROGGE,

United States Attorney General, Washington, D. C.

DEAR SIR: Hundreds of Negroes in the State of Louisiana, particularly in the city of New Orleans, who have qualified to vote in the January 16 State Democratic primaries, viewed with interest your declaration—according to the New Orleans States of January 3—to uphold the civil liberties statute which provides heavy penalties against infringement of any privileges accorded by the Federal Constitution.

Attempts heretofore on the part of qualified Negro voters to vote in Democratic primaries have met not only with oppression and intimidation but with repeated threats of violence.

The National Association for the Advancement of Colored People, the National Urban League, through their local branches, and the local Interdenominational Ministerial Alliance, representing thousands of qualified voters in the State of Louisiana, join the *Sepia Socialite* in making this definite inquiry as to whether or not your declaration to investigate the violation of civil liberties statute would insure their proper franchise in the January 16 primary election and subsequent primary elections.

Yours very truly,

THE *SEPIA SOCIALITE*,  
ALONZO B. WILLIS, Editor.

P. S.—This letter is being published in the National Negro Press, and we sincerely hope to publish a reassuring answer.

A. B. W.

I have not seen the reply. I am very curious to find out what it is going to be.

In another issue of the *Sepia Socialite* is this headline:

ELLENDER VERSUS ROGGE. In challenge over Negroes' right to vote Senator ELLENDER dares United States to uphold the law in Louisiana; Negro Democrats "scratched."

Then follows an article on the subject and an editorial which is not worth reading.

In order to show further that the Department of Justice has innocently or otherwise helped the opposition, I have before me a printed envelope addressed to—

Hon. O. John Rogge, Assistant United States Attorney General, Post Office Building, New Orleans, La.

In the upper left-hand corner appears:

Sam Jones City Headquarters, 123 Carondelet Street, New Orleans, La.

In order to demonstrate the extent to which the headquarters of Sam Jones went in order to obtain aid from the Federal prosecutor, affidavits in blank were sent to many citizens throughout the State and in the city of New Orleans telling them to look out, that the Government was after crooks, and that the Government would prosecute all crooks in these elections; and citizens were furnished with blank affidavits for use in this election. All of these blank affidavits were enclosed in self-addressed envelopes as above indicated.

Mr. President, the way the Jones headquarters used the Attorney General's office is absolutely wrong. They went beyond the pale of reason in this matter, and in no uncertain manner used the United States attorney's office and the Federal grand jury in order to further their cause. I do not mean to infer that the members of the grand juries were parties, nor the district attorney, to these schemes that were fostered by the Jones managers. Such an exhibition resulted in intimidating and terrorizing timid voters all over the State, because the opposition made it known that those supporting the Long administration had better be on their guard, since their votes

would probably be questioned and they would be subject to a Federal investigation. At many voting precincts in our State strange men appeared who pretended to represent the Federal Government, and with the aid of a few confederates sought to harass and terrify voters.

I read a letter from the president of the Board of Supervisors of Elections, Parish of Orleans:

NEW ORLEANS, LA., January 21, 1940.

Senator ALLEN J. ELLENDER,

Senate Office Building, Washington, D. C.

DEAR SENATOR: In the course of the investigation into alleged election frauds in the State of Louisiana the Federal Bureau of Investigation has been guilty of some very high-handed tactics. After Mr. Rogge made it known through the newspapers that he was interested in receiving complaints concerning past elections, followers of the Jones and Noe organizations naturally presented such complaints to Mr. Rogge and his assistants, Harold Rosenwald and Alfred Teton. As a result of these complaints agents of the Federal Bureau of Investigation picked up at their homes and elsewhere persons who were accused by these Jones and Noe people. In some instances they were brought to the office of the F. B. I. in the Masonic Temple Building, New Orleans, and questioned by agents for hours, and some of these people, particularly a man named O'Connor, who is a clerk in the office of the clerk of the criminal district court for the Parish of Orleans, were fingerprinted. No reason was given by the agents to the persons fingerprinted as to why this was done, nor could there have been any reason, as the persons who were so fingerprinted had never been in any trouble in their lives.

After this was done the people who had been questioned by the agents, and many other members of the Long organization, were subpoenaed before the Federal grand jury. In many instances it developed that they had been commissioners in an election held in 1936, and even if they had been guilty of perpetrating irregularities at the polls, and even if those irregularities had violated Federal statutes, such violations had long been prescribed.

It is obvious that the sole purpose in questioning these witnesses by the agents and before the grand jury was to intimidate them, and to give the public the impression that the Federal Government was actively supervising the primary election. It was a common occurrence during this investigation to subpoena large numbers of persons, in excess of the number which could reasonably be expected to be heard on a particular day, with the result that the people were forced to sit around the hall waiting to be called before the grand jury, and then after sitting there for hours they would be told to come back the next day. While some of our commissioners were serving in the polls on election day they were served with subpoenas to appear before the grand jury the following morning; this in spite of the fact that such commissioners had been on duty at the polls continuously from 5:30 on the morning of the election until the next morning when they had to leave the polls and go before the grand jury. After sitting in the hall outside the grand jury room until about noon, they were told that they were excused.

The effect of this so-called investigation and the publicity given to it has been to keep many people away from the polls, for the reason that many people believed that if they made some innocent mistake in casting their ballot, they might be subject to arrest by the Federal authorities. Taking advantage of this situation, the Noe organization filed a list of some 7,000 people whom it claimed were not legally registered. It can be shown that not more than 500 of these persons were illegally registered and the balance were people who had every legal right to vote. No doubt many of these people refrained from voting for fear of some complication.

On the day of the election the New Orleans police arrested a man who threw or assisted in throwing a bottle of ink into one of the ballot boxes in the fifth precinct of the ninth ward. Investigation disclosed that this man was a member of a gang of thugs which Candidate James A. Noe recruited from a seamen's hall and saloons. At least a dozen of these thugs were apprehended by the police and admitted their complicity. These men admitted that they were employed by Noe and that a man in Noe headquarters furnished them with the bottles of ink. All of the men admitted that they had been to various polls during the day and that their instructions were to break up the polling places. The procedure was that two of the gang would pretend to engage in a fight and when the police would take off the combatants the rest of the gang would do their work. This was the procedure followed in the ink-throwing episode.

Although these men were subpoenaed before the Federal grand jury, it was necessary to drop the matter because there was no Federal jurisdiction. Despite this fact, witnesses have been subpoenaed to investigate an incident involving a fight at one of the polls in which a photographer is alleged to have been struck by a Long supporter. Apparently any incident involving a Long supporter may give rise to Federal jurisdiction, at least to the extent of compelling the man to appear before the grand jury, while on the other hand incidents involving followers of Jones and Noe are not matters of Federal jurisdiction. There can be no question but that the purpose of the alleged investigation into vote frauds has as its object the influencing of the election in favor of Sam Jones.

The Jones campaign managers have been in constant touch with Mr. Rogge and his assistants, in person and by telephone. It has gone so far that Mr. Charles Zatarain, one of the Jones campaign



managers, and another man active in the Jones ranks called at the office of the Federal district attorney for the purpose of having their picture taken with Mr. Rogge. The whole thing was arranged, even to the presence of newspaper photographers and reporters at the time of the arrival of Mr. Zatarain and his companion. This occurred the day after you made your attack on the tactics of Mr. Rogge, and Mr. Rogge refused to have his picture taken. However, Zatarain and his companion had their picture taken entering the door of the district attorney's office in such a manner that the name on the door was visible in the photograph. This photograph appeared on the front pages of the New Orleans newspapers in connection with a story that Zatarain had given Mr. Rogge 20 election complaints in connection with the then coming primary.

Mr. Rosenwald has stated that the investigations in Louisiana were political, and since the first primary Mr. Rosenwald has stated that he intended to do everything he can within reason to elect Sam Jones in the second primary. As stated above, Rosenwald has been in constant communication with various Jones leaders. His particular friends are J. Raburn Monroe, Richard Montgomery, Jr., and E. A. Stephens, who are official Jones leaders. Montgomery in particular has practically made the United States attorney's office his headquarters. He has been in daily telephonic and personal communication with Rosenwald and with Mr. Rogge when he is in New Orleans. Rosenwald has stated that in his opinion the primary held on January 16 was absolutely fair and honest and that the police had performed splendid work and that in every instance where a complaint was made it was satisfactorily adjusted by the police, and that the few complaints made against the policemen had been satisfactorily explained. He stated further that he intended to issue a public statement to that effect. In spite of this statement, the Times-Picayune and Item quote him as having said that on Tuesday coming the grand jury will proceed with its investigations of election frauds. (See clippings enclosed.) This would indicate that he intends to proceed with the investigation of last Tuesday's primary.

A few days ago Mr. Rogge announced in Washington that his department is investigating the possibility of civil-rights cases in connection with the Louisiana election. Mr. Teton has stated that they are investigating the possibility that election commissioners and officials may be considered State officers in view of the fact that the Legislature of Louisiana has passed laws regulating party primaries. It is their theory that, if such commissioners are State officers, the interference by such commissioners with the right of any person to vote would constitute a Federal offense and would subject the commissioner to a suit in damages in the Federal courts. It was brought to Mr. Teton's attention that this would mean that any Negro who was deprived of the right of voting would have a right of action against the commissioners, and he stated that this was quite true. When it was pointed out to Mr. Teton that this would be a very dangerous procedure in the South, he stated that as far as he was concerned it was simply a matter of a right given by the Constitution of the United States. Of course, in this connection it must be said that Mr. Teton is simply carrying out instructions which he has received from Mr. Rogge to try to find some way in which primary elections may be brought under Federal jurisdiction.

It is obvious that these people are not only meddling in State affairs but they are attempting to influence the coming primary by trying to sell the people of this State the idea that this administration is corrupt and crooked and would have stolen the first primary if it had not been for their presence in the State. In the words of Mr. Rosenwald himself, they have been doing and intend to do everything possible to put over the election of Sam Jones. Of course, Mr. Rosenwald added "within reason," but his idea of reason seems to be very unreasonable.

I hope that the above information will be of some benefit to you.

Yours very truly,

CLEM H. SEHRT.

On January 11, to my complete surprise, I made headlines in the New Orleans newspapers. While walking on Canal Street in New Orleans, I heard the newsboys shouting, "Murphy gets quick O. K. ELLENDER hit." I did not know what had happened. I began to sympathize with the Ellender who had been hit—one of my relatives, no doubt. I thought perhaps a car had run over him, or some bandit had slugged him. [Laughter.] I immediately purchased a newspaper, and the first thing that met my eye was the following editorial appearing on the front page of the New Orleans States.

I shall read a portion of this editorial:

The quality of statesmanship displayed by ALLEN J. ELLENDER, junior Senator from Louisiana, yesterday, when he protested against Federal officials interesting themselves in an honest election in Louisiana, shows that he is still running true to form.

Mr. ELLENDER's protest, telegraphed to Washington, against the activities of O. John Rogge and his aids was really directed at Attorney General Frank Murphy, who has been nominated by President Roosevelt to the Supreme Bench.

In a statement which I shall read in a few moments, I propose to show how wrong the newspapers were.

Instead of forwarding his complaints directly to the chief legal officer of the United States, Senator ELLENDER wired his strictures to Senator BURKE, Democrat, of Nebraska, chairman of the committee which is investigating Mr. Murphy's fitness to sit on the Bench of the highest court in the land.

Mr. ELLENDER has again succeeded in making a laughingstock of himself, and again brought this State notoriety which it can ill afford.

Just how any honest citizen can complain against honest elections is amazing. If the United States Government hasn't a right to see that public officials are elected according to the will of the people, then who has?

In his wire to Senator BURKE, Mr. ELLENDER said: "I do not want to believe that the head of the Justice Department is aware of how his assistants are misusing their sacred trust."

"These tactics are nothing short of persecution, and are intended to intimidate citizens of a sovereign State."

Mr. ELLENDER knows, and everybody else in Louisiana knows, that the political machine of which he is a cog and to which he owes all that he has, politically, has been stuffing ballot boxes and crooking elections in Louisiana for years.

I ask that the entire editorial be printed in the RECORD in connection with my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

[From New Orleans States of January 11, 1940]

MR. ELLENDER'S SLAP AT HONEST ELECTIONS AND MR. FRANK MURPHY

The quality of statesmanship displayed by ALLEN J. ELLENDER, junior Senator from Louisiana, yesterday when he protested against Federal officials interesting themselves in an honest election in Louisiana, shows that he is still running true to form.

Mr. ELLENDER's protest, telegraphed to Washington against the activities of O. John Rogge and his aids, was really directed at Attorney General Frank Murphy, who has been nominated by President Roosevelt to the Supreme Bench. Instead of forwarding his complaints directly to the chief legal officer of the United States, Senator ELLENDER wired his strictures to Senator BURKE, Democrat, of Nebraska, chairman of the committee which is investigating Mr. Murphy's fitness to sit on the bench of the highest court in the land.

Mr. ELLENDER has again succeeded in making a laughingstock of himself, and again brought this State notoriety which it can ill afford.

Just how any honest citizen can complain against honest elections is amazing. If the United States Government hasn't a right to see that public officials are elected according to the will of the people, then who has?

In his wire to Senator BURKE, Mr. ELLENDER said: "I do not want to believe that the head of the Justice Department is aware of how his assistants are misusing their sacred trust. These tactics are nothing short of persecution, and are intended to intimidate the citizens of a sovereign State."

Mr. ELLENDER knows, and everybody else in Louisiana knows, that the political machine of which he is a cog and to which he owes all that he has, politically, has been stuffing ballot boxes and crooking elections in Louisiana for years.

Mr. ELLENDER should know that, even now, thousands of illegal names have been registered from vacant lots, vacant houses, tumbledown shacks, and in some cases as many as 15 or 20 alleged voters are registered from one room. And yet Mr. ELLENDER has the unmitigated gall, the colossal nerve, to complain because the United States Government, standing on its rights, has raised a voice in protest at the contemplated stealing of the election by the Maestri-Leche-Long machine, of which Earl K. Long and ALLEN J. ELLENDER are parts.

Mr. ELLENDER should know, as everybody else knows, that his political machine has forced unfortunate women to register in droves, has compelled down-and-out and despondent men to lend themselves to fraudulent registration.

As a United States Senator, Mr. ELLENDER should know that the Constitution of the United States, bought in blood, guarantees to each and every citizen the right to cast his ballot and the right to have it honestly counted.

Mr. ELLENDER should know that his political machine has profited and ridden to power by crooking elections and intimidating voters.

Mr. ELLENDER should take some interest in the city of New Orleans occasionally. He should go to the foot of Canal Street and there bow his head in shame before a monument erected to heroes who gave their blood that Louisiana might be free of carpet-bagery and crookery. But Mr. ELLENDER does nothing like this. While the Senate is in session, while legislation vitally affecting Louisiana is being considered, while New Orleans is losing the Algiers Navy Yard, while the State is seeing its sugar interests legislated against, Mr. ELLENDER is on the stump for a political machine, some of whose members are on their way to the Federal penitentiary, and scores of others are under indictment because they stole money belonging to the poor people of this State.

Instead of aiding Louisiana, Mr. ELLENDER blazons its shame to the world, a shame fastened on its fair brow by a machine which in the past has stuffed ballot boxes and browbeaten voters.

We quote again from Mr. ELLENDER's telegram: "These tactics are nothing short of persecution and are intended to intimidate the citizens of a sovereign State."

Who is intimidating the citizens of a sovereign State? Is it intimidation for the Federal Government to place its arms around the weak and unfortunate and assure them that their ballots will be counted? Is it intimidation for the Federal Government to assure the Nation that Louisiana, with its help, may have an honest election?

Or, Mr. ELLENDER, is it intimidation for the political machine now in power to pad registration rolls, to go out on the highways and byways and tell in many instances poorly paid employees that if they don't vote for the machine they will lose their jobs?

Is it intimidation, Mr. ELLENDER, for the Maestri-Leche-Long machine to take a part of the salaries of State employees, paid them out of taxpayers' money, and tell them, "If you don't come through, we'll kick you out?"

Is this the same Mr. ELLENDER who has seen elections brazenly stolen, defiantly stolen, in New Orleans without one protest by the machine to which he belongs?

Is this the same Mr. ELLENDER who was speaker of the house when hundreds of New Orleans election crooks received legislative pardons after Eugene Stanley, the district attorney, had convicted three of them in the first cases brought to trial?

Is this the same Mr. ELLENDER who insisted to the very last that he was for Richard W. Leche for Federal judge of the eastern district of Louisiana?

Is this the same Mr. ELLENDER who never has withdrawn publicly that endorsement, and so far as the people know is still for Richard W. Leche for the Federal bench?

Is this the same Mr. ELLENDER who when speaker of the house saw administration bills railroaded through that body without the least consideration?

Is this the same Mr. ELLENDER who was quoted as having declared against a free press in this country, but when the going got hot, denied he had taken such a stand?

Is this the same Mr. ELLENDER who never received the support of Huey P. Long for any major office while that political leader was alive?

We are led to believe that this is the same Mr. ELLENDER, that this is the same distinguished United States Senator who has broadcast to the world that because the representatives of the Federal Government here have interested themselves in an honest election, "these tactics are nothing short of persecution and are intended to intimidate the citizens of a sovereign State."

The outbreak of Mr. ELLENDER is an admission of a desperate man who knows that the people of Louisiana wish to see the rule of dictators broken, wish to see democracy restored.

Mr. ELLENDER knows that with an honest election, the Earl K. Long ticket, put in the field by Robert S. Maestri and now backed by all of the gang which has been in power in this State for the past few years, is headed for the scrap pile.

Even if Mr. ELLENDER could be successful in his efforts to curb the activities of the Federal Government in its election investigation, there is not a particle of doubt that Eugene Stanley will be the next attorney general of Louisiana. If the Federal Government fails to put election crooks behind the bars, through some inconceivable twist of fate, Eugene Stanley will put them in Angola.

He has done it before and he'll do it again.

So weep and wail, Mr. ELLENDER.

Your protest, your asinine and ignorant display of statesmanship as conceived by you will avail you nothing.

Mr. ELLENDER. Here [exhibiting] are some glaring headlines over articles which, as I shall show the Senate after a while in my written statement, were not justified. The press simply misrepresented the facts in order to put me and others of the administration in bad favor with the people. The articles appeared in the New Orleans States under such headlines as—

Appointment of Murphy protested by ELLENDER. Rogge is defended against ELLENDER. Applaud Rogge; hit ELLENDER's attack.

I will indicate what that attack was. As I said a while ago, all the candidates on the opposition ticket scored me and others for the position in which we found ourselves because of such unjust and unwarranted newspaper notoriety. They took statements attributed to me, twisted them around, and said that I was opposing the nomination of Mr. Murphy because he had sent some prosecutors into Louisiana to arrest and prosecute crooks. That is the interpretation they put on my statement. At no time was it shown that I opposed Mr. Murphy and as a matter of fact I never opposed him. I am going to take occasion now to read that statement, show the Senate what I said, and then Senators can determine for themselves whether the newspapers were justified in their attacks upon me for what I said about Mr. Rogge.

On January 11, 1940, I issued the following statement, which I caused to be delivered by special messenger to all the

daily newspapers and press agencies in New Orleans, including the Associated Press:

STATEMENT BY SENATOR ALLEN J. ELLENDER, NEW ORLEANS, LA., JANUARY 11, 1940

Candidate Jones is quoted as saying, among other things, that, "Senator ELLENDER \* \* \* objected to the nomination of Frank Murphy to the Supreme Court on grounds that Murphy's associates had 'persecuted' this gang in the Federal investigations of the scandals in Louisiana."

The New Orleans States takes a pot shot at me in its issue of January 11, and writes, among other things, that my protest, telegraphed to Washington, against the activities of Rogge and his aides was really directed at Attorney General Murphy; and instead of forwarding the complaints directly to Murphy, I wired Senator BURKE, chairman of the committee which is investigating Mr. Murphy's fitness to sit on the Supreme Court bench; that I again brought this State notoriety which it can ill afford.

The rest of the daily papers published in this State, and which have endorsed Candidate Jones, were quick to publish their version of the affair in their own way, and based their stories on the much-abused term "it is reported" or "it is rumored."

Candidate Jones and the daily press of our State, running true to form, have maliciously distorted and misstated the facts, with the view of again attempting to mislead the public. I seldom answer the newspapers, especially those published in New Orleans, but they have been so unfair in this instance that I am desirous of giving the facts in documentary form so that the public can judge for itself.

A good many of my colleagues in the Senate are very much interested in the affairs of Louisiana, especially my good friend Senator BURKE, of Nebraska. When I attended the opening of Congress on January 3, he inquired about the recent developments in Louisiana, and I proceeded to give him the story.

I am sorry the Senator from Nebraska is not present today. I thought he would be.

I told him of how unfair the press of the State was to our cause, and he suggested that I keep him posted. Attorney General Murphy's name had not been sent to the Senate at the time, nor had Senator BURKE been selected chairman of the subcommittee that later was named to pass on Mr. Murphy's qualifications.

On Friday, January 5, I was advised of a statement given to the press by Mr. Rogge, inviting persons to contact the Department of Justice and report all frauds in the forthcoming election so that proper action could be taken against the offenders. I became incensed and thought it unfair for a prosecutor to prejudge an election and assume that it would be stolen. I am still of that opinion. I suggested to my informant that he immediately air mail copies of the newspapers containing the statement to the Attorney General, and on my return to Louisiana I dispatched the following telegram:

That telegram is the one I read a few moments ago but, as it is a part of the statement, I shall let it go into the RECORD again:

"HOUMA, LA., January 8, 1940.

"Hon. FRANK MURPHY,

*The Attorney General, Washington, D. C.:*

"Hope you have received newspaper clippings sent to you my request, particularly one appearing Times Picayune, January 5, with headline written across entire page, as follows: 'Rogge invites vote-fraud evidence.' As I stated to you on many occasions, I do not mind a fair and just investigation, but I believe it unfair for a Federal prosecutor of Mr. Rogge's prominence to issue such statements in advance of the election. Our people cannot be intimidated. I feel confident you do not countenance such tactics, but I am calling them to your attention for your scrutiny. A telegram from you indicating your position in this matter which I may use would be very much appreciated. In the meantime I am making a newspaper file for probable presentation to the Senate at an early date. In view of the fact that our election will take place on the 16th this month, and in further view of the fact that our State has been under constant investigation since last June, is it not apropos to ask that the grand jury investigations be postponed until after election? I believe this is a fair request and I am in hopes that you will accede to it."

The New Orleans States recommended to its readers, in no uncertain terms, that I should have notified Mr. Murphy instead of Senator BURKE. Well, I did notify Mr. Murphy.

After dictating the foregoing telegram, I sent the following message to Senator BURKE, which was in accord with my promise to him:

I read this telegram a few moments ago, but will let it go in the RECORD again as a part of the statement:

"HOUMA, LA., January 8, 1940.

"Hon. EDWARD R. BURKE,

*United States Senator, Washington, D. C.:*

"Am air mailing clippings reference Louisiana situation and Justice Department, which may be of interest to you. Would like opportunity of presenting more. I do not want to believe that head of Justice Department is aware of how his assistants are misusing their sacred trust. These tactics are nothing short of persecution and are intended to intimidate the citizens of a sovereign State. Regards."



I am informed that when the clippings and the foregoing telegram reached Senator BURKE's office, he was not in the city of Washington.

In response to my wire, Mr. Murphy sent me the following message:

WASHINGTON, D. C., January 9, 1940.

HON. ALLEN J. ELLENDER,  
Houma, La.:

Department of Justice has no desire or intention to interfere in pending election campaign. Statement of Assistant Attorney General Rogge was issued in response to numerous complaints and in course of regular duty. Grand jury investigations have been completed. Rogge will discuss situation with you on return to Louisiana tomorrow.

FRANK MURPHY,  
Attorney General.

Today, January 11, I received the following telegram from Senator BURKE:

WASHINGTON, D. C., January 11, 1940.

HON. ALLEN J. ELLENDER:

My attention called Louisiana newspaper reports your opposition to confirmation Attorney General Murphy as Justice Supreme Court. Stop. This report entirely erroneous. Stop. From the first mention of the Attorney General name you have expressed to me your strong approval. Stop. Before nomination was made we discussed Louisiana approaching election, and the danger of unwarranted Federal interference in State elections. Stop. Because of my interest in preserving States rights I asked you to keep me informed. Stop. It is my hope that you will continue to do so. Stop. I favor Federal action where States prove impotent but strongly oppose such action otherwise. Stop. This has nothing to do with pending confirmation of Mr. Murphy, which I feel sure will be granted by overwhelming vote including your own.

EDWARD R. BURKE,  
United States Senator.

These are the facts, and I have no apologies to make. Louisiana has been subjected to much unjust criticism. I commended Mr. Murphy, as well as Mr. Rogge, on many occasions for their splendid work in helping to rid our State of wrongdoers. I believe that the same results could have been obtained without the enormous amount of filthy and uncalled-for publicity that has scourged Louisiana for the past 6 months. I am aware of the part played by the press in helping to uncover the frauds committed, and I commend it for its work, but I believe that any fair-minded citizen will agree with me that it has gone too far, and in many cases has grossly abused its constitutional privilege—freedom of the press. I believe it is harmful rather than helpful for a prosecutor to try his cases in the newspapers. The finger of scorn should not be pointed in the direction of any citizen, unless the evidence warrants a conviction.

I have faith in my people. I have always served them conscientiously and to the best of my ability. I know that my record is clean and will stand the test, and I cannot be intimidated by such mean, filthy, and uncalled-for editorials as were written about me in recent months, particularly the one appearing in the New Orleans States of January 11.

I believe the above statement is clear and to the point, and one would imagine that no further attempt would have been made by the press and opposing candidates to distort the facts; but let me read from an Associated Press headline, which appeared in the State Times, published in Baton Rouge, La., under date of January 12, 1940. The Associated Press is considered one of the leading news-distributing agencies of the Nation, and why its representative should deliberately misquote me I cannot understand. It may be due to the fact that the reporters who write for the Associated Press are also employed by Louisiana newspapers. Listen to this:

ELLENDER IN NEW ATTACK ON O. J. ROGGE—ASSISTANT ATTORNEY GENERAL GETS AFFIDAVITS CHARGING ATTEMPTS OF BRIBERY OF JONES COMMISSIONERS IN NEW ORLEANS

NEW ORLEANS, January 12 (AP).—

The dispatch is under an Associated Press date line, as I have said—

Senator ALLEN J. ELLENDER (Democrat, Louisiana) declared today that he had "no apologies to make" for his charge that Attorney General Murphy's assistants were "misusing their sacred trust" in prosecuting the Louisiana scandals investigation, under which 10 men are under prison terms and scores have been indicted by Federal and State grand juries.

In other words, the same interpretation that was placed on a statement previously attributed to me was again placed by the Associated Press upon my written statement. I ask if anyone reading my statement, which I have just read, can legitimately conclude that I had "no apologies to make for the charge that Attorney General Murphy's assistants 'were misusing their sacred trust' in prosecuting the Louisiana

scandals investigation under which 10 men were under prison terms and scores of others have been indicted." At no time nor place did I even insinuate that I was against Mr. Murphy for the Supreme Court, nor did I charge Mr. Murphy or his assistants of "misusing their sacred trust" in prosecuting scandals in Louisiana. On the contrary, my statement commends them for their work.

The Associated Press reporter continued to make other comments about my statement and concluded his article by quoting my statement verbatim. It is possible that the full text of my statement was not printed in newspapers published outside of the State, but only the distorted version of the Associated Press reporter which I have just quoted. Seven days later one Westbrook Pegler, who I understand was tanning his hide on a Florida beach at the time, uncorked his bottle of vitriol and scribbled the following article under his copyrighted heading "Fair Enough." I read from the Washington Post under date of January 19, 1940, 7 days after I had issued my written statement; but evidently, as I said, this man used the distorted article from the Associated Press and probably others that I did not see. He wrote:

FAIR ENOUGH  
(By Westbrook Pegler)  
ELLENDER'S PROTEST

For raw effrontery and sneering defiance of the bedraggled American ideal of popular government the protest of Senator ALLEN ELLENDER, of Louisiana, against confirmation of Frank Murphy's appointment to the Supreme Court has had no equal since the last days of the Senator's late foe, Huey P. Long, himself. The question of Murphy's fitness for the Court need not be considered at all in this connection. He has been confirmed, anyway, and ELLENDER's protest, far from reflecting on the appointee, amounted to a tribute.

ELLENDER opposed Murphy's confirmation because the Department of Justice, under Murphy, had repudiated the disgraceful political bargaining between the New Deal and the incorrigible thieves of Louisiana government and politics with whom ELLENDER had closely associated and collaborated for years. Murphy created a Federal receivership of a State which had drifted into civic and political bankruptcy. The Attorney General himself had not been a party to the second Louisiana purchase and refused to be bound by its terms.

Therefore, when a New Orleans newspaper dug up evidence of new rottenness in the State government, Murphy moved in along the same lines of attack that have been followed in Kansas City and Atlantic City.

#### STATE'S SITUATION CLOSE TO ANARCHY

The gang which ELLENDER himself served as speaker of the lower house of the Louisiana Legislature and as United States Senator in Washington has been thrown into confusion and many of its members have been thrown into prison, where they, and others still at large, belong.

"I do not want to believe that the head of the Department of Justice is aware of how his assistants are misusing their sacred trust," he said in a telegram to the Senate Judiciary Committee. "These tactics are nothing short of persecution, and are intended to intimidate the citizens of a sovereign State."

Now, unfortunately, there may be something to what ELLENDER says about sovereignty, but, more unfortunately, his gang has created a situation so close to anarchy in Louisiana that the national authority had to move in. A State has certain responsibilities attending the privilege of statehood.

If a State simply collapses, as Louisiana was on the point of doing, the other States are endangered. It has been held and by now conceded that if a State is unable to care for its poverty and unemployment the Federal Government has a right and, as Senator ELLENDER has said, a duty to intervene.

#### STATE INSTITUTIONS WERE GRAFT SOURCE

The same theory would justify the intervention of the Department of Justice to do work which crooked judges and prosecutors of the State court could not be trusted to do. And Louisiana, under the mob of which ELLENDER was a member and to which he had given important service, was not really a State at all. The gang had stolen from every public treasury, from the township up to the Federal; they had robbed the State University, corrupted the education of the students with their foul contempt for the American form of government, and had even chiseled money from the lunatics and the sick poor for "testimonial" contributions to grafters in office and out.

The mental picture of ELLENDER sitting on his puppet throne as speaker of the State house of representatives in the sessions when Huey was abolishing popular government and the right of citizens to inspect the State's financial records, will not be forgotten by anyone who saw him there. He said nothing against persecution and intimidation of the citizens of a sovereign State then, and he owes his job in the United States Senate to the very thieves whom he has the gall to depict as victims of oppression after they have robbed the State into destitution and made junk of the liberties of the people.

## RESIGNATION ASKED AS EFFECTIVE REBUKE

Murphy's speech in New York last Sunday is a good reply to ELLENDER and a reminder to the people of Chicago as well as those of Louisiana.

"We need, somehow, to erect safeguards that will protect the public service from corruption," he said. "Don't be so cynical as to believe that there must be corruption or a measure of it in municipal and State and Federal Governments. It doesn't need to be at all."

If ELLENDER really wished to serve the cause of good and decent government he could find no more effective rebuke to its enemies than to resign from the United States Senate as a repudiation of the kind of politics and the type of public enemies who sent him there.

Surely, if this disciple of "fair enough" had taken "enough" time from diving and splashing and dancing with the mermaids on the Florida coast, he could have easily obtained the true facts. But what is the use? He probably would not have considered the true facts, preferring to pad his vicious column with his own interpretations, born of his evil, warped, narrow, malicious, bigoted, and prejudiced mind.

Oh, but how newspapers find comfort in headlining the misdeeds of public officials of any prominence. Although Mr. Pegler violates every rule of the game in his attempt to rob men of their most cherished possession, nothing is said, but he receives commendation rather than criticism. A poor man who steals a loaf of bread to save his family from starvation goes to the pen, but one who deliberately "filches from me my good name" gets by, and receives bountiful remuneration for shattering the truth.

Years ago Shakespeare wrote these lines:

Good name in man and woman, dear my lord,  
Is the immediate jewel of their souls:  
Who steals my purse steals trash; 'tis something, nothing;  
'Twas mine, 'tis his, and has been slave to thousands;  
But he that filches from me my good name  
Robs me of that which neither enriches him,  
And makes me poor indeed.

If the immortal Shakespeare were alive today he would not be apt to receive the inspiration that prompted the foregoing quotation, because some of our modern columnists—some people call them "calumnists"—are handsomely paid for deliberately robbing one of his most cherished possession.

So much for that incident. Let me quote a few published statements of Mr. Jones, the candidate who is championed by the press of my State. Here is one appearing in the Times-Picayune of Monday, January 15, 1940, under a Lafayette, La., headline:

Jones told the people of this sugar-producing section of the State that "they were sold out by the State-administration gang and their Representatives in Congress."

"The sugar bowl of Louisiana," Jones said, "has a \$40,000,000 crop while it ought to have an \$80,000,000 crop. The sugar growers were sold out by Louisiana's national representatives for a mess of pottage. Your representatives in Washington sold out for a few jobs for their political henchmen."

"If Louisiana's representatives in Washington had not sold out, the sugar industry of Louisiana should have been at least doubled, which would have meant thousands and thousands of jobs to men who are on relief."

Again, in the Times-Picayune of January 9, 1940, under a headline from Des Allemands, La., Mr. Jones is quoted as follows:

Moving down to Luling during the afternoon, Jones denounced the State administration and its two senatorial adherents, Senators JOHN H. OVERTON and ALLEN J. ELLENDER, for failure to obtain better quotas for the Louisiana sugar growers.

"Instead of being in Washington trying to help the Louisiana farmers," Mr. Jones said, "the State's national representatives are down here campaigning in an effort to keep the State gang in power."

"Louisiana sugarcane planters last year were compelled to plow up 38,000 acres. If OVERTON and ELLENDER were on the job in Washington, Louisiana's sugar crop should be \$80,000,000 instead of \$40,000,000."

I know that the newspapers of my State are acquainted with the true facts, and that the quoted statements are not well founded, but they print such false statements in the hope that it will help their candidate.

I do not have to apologize to any one for my efforts in behalf of my people. Let me present a few telegrams from

some of them, with particular reference to my work for the sugarcane farmers of Louisiana. I am not going to burden the Senate with reading numerous telegrams, but I ask unanimous consent to have a few of them printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. BULOW in the chair). Without objection, it is so ordered.

The telegrams are as follows:

JEANERETTE, LA., March 25, 1939.

Senator ALLEN J. ELLENDER:

Accept our thanks for your efficient, ardent work on your bill 69 which will save our great industry. Regards.

D. MORESIS SONS.  
A. MORESI CO., LTD.

JEANERETTE, LA., March 24, 1939.

Senator ALLEN J. ELLENDER,

Washington, D. C.:

We wish to congratulate you on getting your sugar bill passed in the Senate. We appreciate the splendid fight you are making for sugar and hope that you will succeed in getting bill passed in the House.

DUHE BOURGEOIS SUGAR CO.,  
J. P. DUHE, President and General Manager.

NEW IBERIA, LA., March 24, 1939.

Senator ALLEN J. ELLENDER:

We congratulate you on the splendid work you have done and are doing toward alleviating the present sugar situation. Thousands of sugar farmers of southwest Louisiana are deeply appreciative of your splendid efforts.

W. D. REYNOLDS,  
President, New Iberia Chamber of Commerce.

FRANKLIN, LA., March 25, 1939.

Senator ALLEN J. ELLENDER,

United States Senate:

Passage of your bill gives us hope again. Passage by House will mean prosperity for this country. We congratulate you on your great work.

MARYLAND PLANTATION,  
By MURPHY J. FOSTER,  
By HARRY L. TROWBRIDGE.

EDGARD, LA., March 25, 1939.

HON. ALLEN J. ELLENDER,

Senate Building:

We extend to you our sincere thanks and congratulations on your splendid work. It has revived our spirit and given fresh hope. May you succeed in securing favorable support in the House.

CAIRE & GRAUGNARD.

FRANKLIN, LA., March 27, 1939.

Senator ALLEN J. ELLENDER:

Your successful efforts to prevent serious damage to the Louisiana sugar industry and secure justice for it has aroused our admiration as an able and efficient Senator.

JOHN M. CAFFERY.

JEANERETTE, LA., March 24, 1939.

Senator ALLEN J. ELLENDER,

Senate Office Building:

Congratulations three times for fine work. Now we're getting some place.

STEVE C. MUNSON.

FRANKLIN, LA., March 25, 1939.

Senator ALLEN J. ELLENDER,

United States Senate, Washington, D. C.:

Congratulate you on your victory in Senate, all interests are greatly encouraged and count on your leadership to help secure passage in House.

W. PRESCOTT FOSTER.

NEW IBERIA, LA., March 24, 1939.

HON. ALLEN J. ELLENDER,

United States Senate, Washington, D. C.:

Everyone jubilant over good work you have done. Now praying for final passage of bill No. 69. Congratulations.

LEON J. LANDRY.  
GEO. M. GERMANY.  
P. A. LANDRY.

NEW ORLEANS, LA., March 23, 1939.

Senator ALLEN J. ELLENDER,

United States Senate, Washington, D. C.:

Your victory is a boon to industry and all big and small planters. Thank you. Hope you will see it through until it becomes a law. Thanks. Regards.

JULES AND CHARLES GODCHAUX.



NEW ORLEANS, LA., March 25, 1939.

Senator ALLEN J. ELLENDER,

*United States Senate, Washington, D. C.:*

Services you are rendering to the sugar industry of Louisiana are most commendable and appreciated. Passage of the bill manifests true statesmanship as representative of our great State.

E. N. KEARNY REALTY OPERATORS, INC.

NEW YORK, N. Y., March 24, 1939.

Hon. ALLEN J. ELLENDER,

*United States Senate, Washington, D. C.:*

In view of the difficulties in present situation, I feel you have won not only a victory but a triumph for which you can confidently look forward to the lasting appreciation of all those who are looking to you for relief. Please accept my personal thanks and warmest regards.

C. F. DAHLBERG.

ADELIN, LA., March 24, 1939.

Hon. ALLEN J. ELLENDER,

*United States Senator:*

Congratulations on wonderful piece of work. Cane growers very grateful.

W. F. GILES.

NEW ORLEANS, LA., March 24, 1939.

United States Senator ALLEN J. ELLENDER,

*Senate Office Building, Washington, D. C.*

Congratulations on a fine job well done.

CHARLES A. FARWELL.

FRANKLIN, LA., March 24, 1939.

Senator ALLEN J. ELLENDER,

*Senate Office Building:*

You are due highest praise for your able handling of sugar bill. Louisiana should be proud that the leading sugar Senator is from its State. Congratulations.

C. D. AND WALLACE KEMPER.

NEW ORLEANS, LA., May 23, 1939.

Senator ALLEN J. ELLENDER,

*United States Senate, Washington, D. C.:*

We have just been in conference with Mayor Maestri, and at this conference were advised of the passage of your bill S. 69. We wish to congratulate you and to express to you our sincere appreciation of the very able manner in which you handled your bill, securing its passage in spite of an adverse report from the Secretary of Agriculture. Our sincere thanks.

J. W. Jay, Vernon Caldwell, E. J. Calre, A. E. St. Martin, L. A. Borne, Murphy J. Foster, Clarence J. Savoie, S. J. Savoie, W. Prescott Foster, Stephen C. Munson, Frank L. Barker, E. P. Moresi, Ed. Garland, W. F. Giles, Rodney Woods, Jr., J. O. Montegut, Jules Godchaux, Harvey Peltier, Charles Farwell, E. J. Gay, Reginald Dykers.

Mr. ELLENDER. As I stated a few minutes ago, the press of my State, as well as the opposing candidates, stopped at nothing in their vilification, slander, and libel of the supporters of the Long administration. Permit me to refer briefly to their attack on Hon. Robert S. Maestri, mayor of New Orleans. Every effort has been made to indict this good man. He has been depicted and caricatured as a despoiler of public office. He has paid no attention to these accusations but has kept on working for the benefit of the people of New Orleans. Slander and libel have been heaped upon him because he chose to support Hon. Earl K. Long for the Governorship.

In order to expose these scandalmongers and to show their utter insincerity, let me read a few excerpts from articles and editorials appearing in the New Orleans newspapers—Mr. Maestri's present critics—in order to show what they thought of his honor the mayor only a short time before he declared his support of Governor Long.

I read from an editorial appearing in the Times-Picayune under date of August 17, 1938:

#### RECORD PERFORMANCE

Closing the second year of his administration, Mayor Maestri is receiving deserved praise for his surprisingly efficient conduct of our municipal business. When he took over the mayoralty 2 years ago, New Orleans was floundering in a financial morass created partly by the depression and in part by systematic political oppression which included raids upon its normal revenues and its credit.

It was then in the hands of the opposition.

It owed the banks millions; its bills for purchases of supplies were long overdue; its streets and other physical equipment, lacking money for their maintenance and repair, were in lamentable condition.

With Mr. Maestri's induction as mayor, the political persecution ceased; the city's normal revenues were restored to control of its own government. Because of the accumulated floating debt, growing relief needs, and other conditions, added taxes were provided.

So the Maestri administration was armed with exceptional advantages to meet exceptionally bad conditions. Restoration of the city's finances to what might be termed their normal status—which was not very good—was by way of being assured. Skeptical Orleanians expected that much, but no more. To their astonishment, Mayor Maestri has accomplished in the past 24 months more than they dreamed or his supporters dared hope.

Since he took office, 2 years ago, fifteen and a half million dollars of city debts have been paid, including three and a half millions of its bonded indebtedness, all its borrowings from the banks, and other millions of its outstanding paving certificates. For the first time in modern history, New Orleans is on a cash basis and is taking all discounts on its current purchases.

The physical improvements wrought are no less astonishing. Many miles of city streets have been paved or repaved. City buildings have been restored to first-class condition; our parks have been immensely bettered both in appearance and equipment; playgrounds and the neutral grounds of our boulevards have shared those betterments. Millions of W. P. A. money have aided greatly in the physical transformation of New Orleans. The mayor has enjoyed the cooperation of both State and Federal Government agencies. But the record features of his administration are owed chiefly to Mr. Maestri's leadership and personal qualities—to his efficiency as businessman, to his ability to get things done by teamwork, to his driving energy and personal supervision of the vital details. The city's material achievements under his leadership have not been matched locally within the memory of living men; no other American city, we believe, has equalled them during the same period.

One other high credit goes to the second year of the Maestri administration: By his order and insistence, the slot-machine racket—that formerly filched thousands of dollars monthly from the pockets of people least able to afford the drain—has been driven from New Orleans. The racket is still bent upon the city's recapture; its return is still predicted and feared. But Mayor Maestri has kept it in exile for a period long enough to prove that this mechanical banditry can be driven out and kept out.

Ancient political abuses survive and flourish here. But Mayor Maestri's outstanding services to and for the city in other fields fully entitle him to the sincere praise and hearty congratulations, in which this newspaper joins, that are pouring in upon him this week.

Here is another one from the New Orleans States under date of August 17, 1938:

#### OUR CHIEF KNOCKER

Meaningless, honeyed platitudes, bombastic exaggerations, sweet-scented words have no place in the vocabulary of Robert Sidney Maestri. He is a blunt, plain man, who speaks your language and our language. He makes no promises. He simply goes ahead about his business giving the city a day's work in return for the privilege of being its mayor.

Mr. Maestri is today observing the second anniversary of his occupancy of the mayoralty office of the city of New Orleans. In these 730 days he has been the biggest knocker that New Orleans ever knew or had. He has knocked vociferously and continuously.

"If you can't boast, don't knock," a pet phrase of civic organizations and complacent citizens, means nothing to Mr. Maestri. He ignores such a platitude.

When he took office, he told the citizens of New Orleans that they had the worst streets in America, and he immediately set about giving the city better streets. Today, miles of paving, miles of sidewalks, great boulevards placed with an eye to traffic, comfort and beauty, have taken the place of mud thoroughfares; of crooked and rough streets. Robert Maestri knocked the old order of things and is still knocking—knocking for better and more arteries for the convenience of New Orleans.

Seven hundred and thirty days ago Robert Maestri knocked the financial set-up of the city; plainly and bluntly he told us that the city's funds were being dissipated in interest; that debts were being piled up, and that money was being spent extravagantly. How he wailed, and how he knocked! As the result of his knocking, the city's government debt has been reduced nearly \$15,000,000, the last loan obtained from the banks has been paid, and the city has not borrowed a dollar from the banks since December, 1936. Notes have been paid to the value of more than \$6,000,000, and accounts long past due have been paid. The city's bonded indebtedness has been reduced, and New Orleans today has a financial set-up regarded as better than that of any other city in the country. But Mr. Maestri is still knocking. He is never satisfied.

Tax dodgers have been made to pay their taxes, and how he did knock the shirkers in this direction!

Mr. Maestri got as mad as a wet hen when he inspected some of the public buildings in New Orleans. What he said about them cannot be printed in a family newspaper.

He had them repaired, he had them cleaned, some he had demolished. New fire houses, repaired fire houses, and many other new and cleaned city buildings marked the progress of his trail.

And this knocker, regardless of how much he tried to hide it, has poetry in his soul and music in his heart. Ugliness ruffles him. When he took office he immediately commenced knocking the condition of our parks and neutral grounds. Today flowers bloom where

weeds grew. Today fountains musically splash where spots, repugnant to the eyes, once dotted the city's grounds.

Mr. Maestri, like all of us common people, knows the problem of the boys and girls in the streets. His heart is with them. He knocked their treatment by the city. So he has enlarged and extended playgrounds.

He knew the trials of the poor and the needy. He said it was a shame the way the city treated its dependents. Today, he is remedying these conditions, and making the lot of the underprivileged easier, permitting them to walk in more pleasant paths.

We fail to recall any department of the city that Mr. Maestri hasn't knocked; and we fail to recall a single department that he has failed to improve. When he took office, the "old regulars" and the Louisiana Democratic Association were at each other's throats, snarling and growling as only political wolves can snarl and growl. Mr. Maestri told them they were a bunch of soreheads, ruining the city, and now they commune together as brethren.

When Mr. Maestri took office, city employees, as they do in every other community, neglected their work. Now the city gets a fair day's work for a day's pay. Contractors were accustomed to slip things over on the city. Today Mr. Maestri demands a dollar's worth of value for every dollar spent. All up and down the line he knocked everybody and everything. Out of this chaos he is bringing a smoothly working city organization that will give the best results to the greatest number of people.

Mr. Maestri's success is due to common horse sense, common business sense applied to the operation of a city. He is recognized as a great businessman, and he has applied the same rules of operation toward a city as he has to his private enterprises.

Mr. Maestri has shown the people of New Orleans that truth is greater than fiction. We have a wonderful city, we have a great city, we have a city where it's pleasant to live and peaceful to die, we have a city with tremendous advantages, we have a city to love, but we will never get the greatest good from all of these qualities until we also recognize our faults and admit them. Mr. Chief Knocker Maestri, we salute you.

May you knock long and loudly.

Who knows but that your knocking may extend to other and wider fields after you have finished with us.

I ask unanimous consent to have printed in the RECORD at this point another article commending the mayor for the fine work he did. The article was published in the Houston Post for May 21, 1939.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

#### RECONSTRUCTION OF NEW ORLEANS PUTS SPOTLIGHT ON MAYOR MAESTRI—NO. 1 POLITICIAN LEADS BANKRUPT CITY INTO BLACK

(By Charles P. Nutter)

NEW ORLEANS, May 20.—Many residents here grow lyrical when they begin to tell you about "Bob," whom they claim will outshine the fame of the charming old French quarter as the city's trademark as soon as the United States hears more of him.

"Bob" is what nearly everyone, high as well as low, now calls Robert Sidney Maestri, dour, blunt-spoken mayor who in less than 3 years has accomplished a civic reconstruction job the city challenges any other in America to equal.

The city calls a holiday every time the anniversary of his inaugural rolls around. "Ahead with Bob" placards appear all over town. Firms and individuals far and wide pay for advertisements in the newspapers to thank the mayor for his work.

#### NO. 1 POLITICIAN

Today he is the No. 1 politician in the State, dominant leader of the still intact Huey Long political machine, and the man whom many say will name the next Governor if he doesn't want the job himself, which he says he doesn't.

"I got too much to do here in New Orleans," he says when anyone asks him about the governorship. His present term has 3 years to run.

New Orleans was in technical bankruptcy when Maestri took over on August 17, 1936; the city owed more than \$15,000,000 in current unpaid bills, credit bad, and taxes long in arrears. Today the city is on a strictly cash basis, well over \$15,000,000 in debt has been wiped out at an average rate of half a million dollars monthly.

#### PUBLIC IMPROVEMENTS

During that time the city has financed out of current revenues public improvements which have changed the appearance of the city. Municipal economies have saved millions and put the city on a cash basis.

In 30 months, Maestri, with the aid of the Works Progress Administration, built or rebuilt 231.44 miles of streets, 20 percent of all the streets in New Orleans, more than doubled the facilities of the city park, put in 65 miles of new drainage canals, laid out 55 miles of floral trails through scenic New Orleans, established or renovated 62 public playgrounds, drained and prepared for residences thousands of acres of swamp on nearby Lake Pontchartrain shores, put in 25 miles of new sewers, remodeled and painted most of the city's fire and police stations, and aided scores of public and private schools to remodel and improve their buildings.

#### W. P. A. WORK PRAISED

Disregarding instructions from Washington, Mayor Maestri took the shovels away from W. P. A. workers here and gave them steam-

shovels, trucks, cranes, and draglines to work with. According to Harry Hopkins, New Orleans did the finest work with W. P. A. of any city in the United States.

He accomplished all this with less than 10,000 relief workers and only a third as much funds as allotted to New Orleans prior to his administration. He borrowed equipment from great utilities and private firms and wore it out building streets, and drew the owners' thanks and more equipment to use up.

On April 1, the city administration reported that 66 percent of the real-estate taxes already had been paid for the year, and 59 percent of the personal property taxes.

The mayor's manner is unique.

#### VISITS PROJECTS

Each morning at 8 o'clock he climbs into his car and in the next 4 or 5 hours personally inspects every major construction project in the city. He averages more than 80 miles daily, and never misses a day; even Sunday, for some of the projects work day and night and Sunday in order to give fullest use of the city's mechanical equipment.

Mayor Maestri, though born here 49 years ago of Italian parentage, has adopted the methods of a Scotchman in remaking New Orleans. He wastes nothing, and no gift of waste or refuse is too small or apparently useless for him to utilize.

In a city where stone lies 10,000 feet down, Maestri and his engineers hit upon tearing up the cobblestones of miles of nearly ruined streets, to form curbstones for other streets, flagstones for parks, park benches, and other beautification work. He replaced the cobblestones with new concrete paving.

#### WASTE ELIMINATED

An air reduction plant gave him acres of carbide refuse, apparently useless. Maestri discovered a formula to turn it into paint, and has made thousands of gallons of white paint from it, not only for the city's use, but for many schools, churches, hospitals, refuges, orphanages, and others, who get it for the asking.

Maestri found most of New Orleans' police and fire stations broken down, unpainted, in bad repair. He put the police and firemen themselves to work on them, rebuilding 31 at practically no cost to the city. The carbide paint came in handy.

Maestri offered all able-bodied prisoners not charged with major crimes an opportunity to work off their time at the rate of 2 days to 1 if they wanted to help on such projects. He has been using up to 100 such daily, all of whom volunteered.

#### GIFT FROM MAYOR

When they finish their time Maestri gives them \$5, a suit of clothes, and orders to leave town. Scores have written him from all over the country telling of their rehabilitation.

The mayor last year staged a \$10,000 open golf championship to advertise the newly improved city park; he put up the funds himself. He got behind the drive to raise \$550,000 to improve the Sugar Bowl stadium to compete with the Rose Bowl game, and it went over in jig time.

He recently said he wanted 21,000 people out for the opening baseball game in order to win the attendance cup. More than 23,000 turned out. Other cities' attendance ran under 10,000. He named a city athletic director to promote and organize children's athletics.

#### OUTFITS POOR SCHOOLS

He keeps boxes of baseball gloves stacked up in his office, and frequently outfits a couple of teams at some school in the poor section, where he already has opened a playground.

His particular interest is children, inmates of institutions. He draws no line, religious, class, or race. He knows thousands of the derelict, the lower third. They all call him Bob.

To utilize fully his limited time, Maestri has worked out a unique method of seeing people at city hall after his morning rounds. Instead of calling them into his office he has them assemble in a waiting room, and in he stalks with a secretary to make notes.

He questions each and all where they wait. His decisions are staccato, either yes or no, with very few told to wait until he can consider their case further.

#### REAL-ESTATE OWNER

Maestri's fortune, variously estimated by friends at between \$1,000,000 and \$3,000,000, was made in New Orleans real estate and south Louisiana oil fields, which have been booming in recent years.

He returned from World War service to enter the real-estate business, accumulating large holdings of rental property which increased in value rapidly in the boom period following the war.

Today he is known as the largest individual taxpayer in the city. Married, but childless, Maestri lives frugally. He has no social activities; his sole recreation is to go fishing on Sunday with friends.

#### MONEY NOT SOUGHT

He has frequently told friends he has more money than he wants and has no ambition for power, but is anxious to leave a monument to himself in an improved New Orleans that will not be forgotten.

His swift-moving program has not gone on without criticism from some quarters, not the least of which were ward politicians whose activities the mayor curtailed. They currently are credited with beating the drum for Maestri for Governor in order to get him out of New Orleans.

Seeking building funds, Maestri passed a 2-cent city gasoline tax which has been roundly criticized by gasoline stations, which



complain that frugal folk drive out to nearby parishes to fill up their cars. Maestri contends they've lost no appreciable business and that the money obtained is multiplied many times by Federal funds released through additional city funds.

#### GAMBLING CHARGE

Other critics claim Maestri has done little to curtail gambling, which flourishes. Maestri doesn't deny this charge; but claims he is mainly interested in building and development of the city and rehabilitation of its finances.

Some reports say there is still some minor graft below the mayor's office, although these same critics often tell how Maestri has waded through much of this with a sharp knife.

Socially Maestri is no success and doesn't want to be. He mixes with very few people; his language is salty, direct, outspoken. He has shocked ministerial delegations thereby, but the delegations usually went away with more than they asked, if it contributed to general civic improvement.

Mr. ELLENDER. Here are some letters from a few bankers and businessmen and civic leaders of our State:

MARCH 4, 1938.

HON. ROBERT S. MAESTRI,  
Mayor, City of New Orleans,  
City Hall, New Orleans, La.

DEAR MR. MAYOR: We wish to acknowledge receipt of check of the city of New Orleans drawn on us in the sum of \$508,008.37, in full payment of the demand notes of the city of New Orleans held by us.

We wish to commend you for the very businesslike manner in which this obligation has been cared for by you, and to extend our compliments and congratulations for the high efficiency of your successful administration.

In retrospect, your services to the people of New Orleans as mayor of this great city, have won the admiration of our people and the businessmen of our community, and if we should take your past performances as a criterion of what is to happen, may we predict that over a period of the next few years, through your genius, New Orleans will be placed in the foremost rank of modern cities. Your efforts as mayor of a great city are praiseworthy and without parallel, since you have accomplished so much in so little time.

With all good wishes for your good health,

Very truly yours,

AMERICAN BANK & TRUST CO.  
JOHN LEGIER, President.

MARCH 4, 1938.

HON. ROBERT S. MAESTRI,  
Mayor, New Orleans, La.

MY DEAR MR. MAYOR: The fact that you have today paid the last note of the city due to any of the banks does indeed make this a "red letter day" in the financial history of the city of New Orleans. Only those of us who know the difficult financial position in which the city found itself during the depression years, and particularly at the time you assumed office, can appreciate what a remarkable accomplishment it is to have once more brought the city's affairs back to a cash basis. You have indeed done a splendid job, and such financial results could only have been accomplished by the strictest economy and excellent management.

We congratulate you on your fine work. More power to you.

Cordially yours,

THE HIBERNIA NATIONAL BANK.  
R. S. HECHT,  
Chairman of the Board.

MARCH 4, 1938.

The Honorable ROBERT S. MAESTRI,  
Mayor of the City of New Orleans,  
City Hall, New Orleans, La.

DEAR MR. MAYOR: I have just been informed that the city has paid out in full all of its current notes and that there remains outstanding only its bonded indebtedness. May I take this opportunity to commend most highly the businesslike way in which the finances of the city of New Orleans have been handled during your administration. I feel entirely sure that when the public becomes fully aware of the capable and efficient manner in which the business and financial affairs of New Orleans are being handled by you, the credit of the city, which is already extremely good, will be materially advanced.

With hearty congratulations upon your successful efforts, I am,  
Very cordially yours,

WHITNEY NATIONAL BANK,  
J. D. O'KEEFE, President.

MARCH 4, 1938.

HON. ROBERT S. MAESTRI,  
Mayor, City of New Orleans,  
New Orleans, La.

DEAR MR. MAYOR: We are advised that you today paid the last outstanding note obligation of the city of New Orleans. In addition to liquidating all the city's indebtedness, it is my understanding that you have placed current operations on a cash basis. Since you become mayor it is most pleasing to note the consistent and successful results you have achieved in the conduct of the city's fiscal affairs.

We wish for you and your administration every possible success.  
With kind regards,

Very truly yours,

THE NATIONAL BANK OF COMMERCE,  
CLAY W. BECKNER,  
Executive Vice President.

THE TULANE UNIVERSITY OF LOUISIANA,  
SCHOOL OF SOCIAL WORK,  
New Orleans, June 19, 1939.

The Honorable ROBERT MAESTRI,  
Mayor of the City of New Orleans,  
City Hall, New Orleans.

MY DEAR MAYOR MAESTRI: This is a letter of appreciation for your efforts on behalf of the summer play program for New Orleans children and your recent generous provision of \$1,500 to carry on this program.

This playground program is of largest value to the children and youth of New Orleans. As one who has worked for larger recreation services in this city for a number of years, I know that it is a wise expenditure not only for much-needed and pleasurable recreation but the soundest sort of investment in training for good citizenship.

This summer play program is an auspicious beginning. I feel sure it will form the basis for a sound and permanent city-wide recreation program. Such a development will be a splendid contribution to the welfare of New Orleans.

Appreciatively yours,

STUART K. JAFFARY,  
Assistant Professor of Social Economics.

HOLLAND'S,  
THE MAGAZINE OF THE SOUTH,  
Dallas, Tex., July 14, 1939.

MAYOR, CITY OF NEW ORLEANS,  
New Orleans, La.

DEAR SIR: Holland's Southern Institute for Town Service has been established to promote town building. In addition to the civic-achievement articles appearing each month in Holland's magazine, we are giving awards of merit to towns that have achieved the unusual. Your town is included with a few others in the South that are receiving such recognition during this next month, and notice to this effect will be made in the August issue of the magazine.

The award in your case is made for the fine work you have done in lake-front development. We are asking you to see that the proper political subdivision or group responsible for such accomplishment is given this award of merit, which goes to you under separate cover.

The program of town building will, we hope, do much to encourage people in all sections of the South to organize their towns and to adopt definite programs of improvements. Under our plan any town that has reached a point of 75 percent of its development, according to our town score card, is eligible for our seal of honor, which is a beautiful bronze plaque. We hope that you may continue in building New Orleans until you are eligible for this recognition.

If you should desire one of our score cards, and if we can be of service to you, please know we shall be glad to hear from you.

Yours most cordially,

R. C. MORRISON,  
Director, Holland's Southern Institute for Town Service.

TRINITY CHURCH,  
New Orleans, May 26, 1939.

The Honorable ROBERT S. MAESTRI,  
City Hall, New Orleans, La.

MY DEAR SIR: At the regular monthly meeting of the Board of the Children's Home of the Episcopal Church there were many expressions of deep appreciation of all that you have done for the home. By unanimous vote I, as chairman of the board, was requested to express to you by letter our sincere gratitude for all that you have done. Especially are we thankful for your personal interest in the matter. The improvements have made the home not only far more attractive but safer and more comfortable.

May I take this opportunity of congratulating you on and thanking you for the splendid work you have done for New Orleans since you have been mayor.

With best wishes for you and your work, I am,

Yours very sincerely,

(REV.) ROBERT S. COUPLAND,  
Rector of Trinity Church.

NEW ORLEANS MID-WINTER SPORTS ASSOCIATION,  
New Orleans, La.

HON. ROBERT S. MAESTRI,  
Mayor, City of New Orleans,  
City Hall, New Orleans, La.

DEAR MR. MAESTRI: Now that the drive for stadium funds has been concluded, please accept the warmest possible and most sincere appreciation for the grand part that you played in the work.

You were ever willing to give of your time and good counsel, and the final results surely reflect toward your interest, assistance, confidence, and friendship, all of which I sincerely hope we will ever be able to continually merit.

I believe, too, that you have all the more endeared yourself into the hearts of the populace of our State and city, for surely the undertaking was one of the most civic spirited in many past decades.

You shall always command of us an undying debt of gratitude, which I fear we will never be able to repay.

With assurances of appreciation, thanks, regards, esteem, and wishing you Godspeed, believe me,  
Most sincerely,

H. A. BENSON, President.

PORT ARTHUR, TEX., December 26, 1939.

HON. ROBERT S. MAESTRI,  
Mayor, New Orleans, La.

DEAR MAYOR MAESTRI: I have been a frequent visitor to New Orleans for 30 years. May I express my thoughts and thanks to you for the many improvements made under your administration. To a visitor, it looks as though New Orleans has improved more under your administration than any other in its history.

I was very much impressed with the beauty of the Canal Street decorations—the row of gigantic candles expressing so well the Christmas spirit and a welcome to the stranger.

Mayor Maestri, I am sure the people of your city and State appreciate your many accomplishments in their behalf, and when I consider all that you have done, that you are reducing the city debt \$6,000,000 per annum, I wish that we had men like you in Texas.

May I wish you a happy New Year and that your success will continue, I am,

Yours,

ED. LINN.

Permit me to recite conditions when Mr. Maestri became mayor of New Orleans in August 1936 and some of his accomplishments since that period:

When Mr. Maestri became mayor of New Orleans, August 17, 1936, the city government—

Owed over \$6,000,000 to the banks, which it could not pay;

Owed nearly \$1,500,000 of outstanding bills for materials and supplies, some of which had been overdue for several years;

It had been unable to meet its pay rolls promptly or in full;

It was paying 5½ percent on outstanding bank loans and could not borrow additional money either from local banks or banks abroad;

It had defaulted its paying certificates;

It was in bankruptcy in the Federal court;

Even vital service of government were restricted;

Garbage collections, for instance, were being made only on part-time basis;

Its streets were run down to a point where many of its major thoroughfares were actually dangerous to travel on;

Its public buildings were a disgrace;

Its playground system had been shamefully neglected;

Its morale was shattered.

As soon as he took office, Mayor Maestri set to work. He pledged his own credit to buy trucks and equipment vitally needed by the city.

He arranged for a reduction in the interest on outstanding bank loans from 5½ to 2½ percent.

By the end of 1936, just a little over 4 months after he became chief executive, the city was out of bankruptcy; its bank loans and outstanding bills were being paid off; its paying certificates had been refunded; and the municipal government was operating on a cash basis for the first time in its history.

By March 4, 1938, the last of the city's bank loans had been paid off. The city was continuing—and is still continuing—to operate on a strictly cash basis.

On the whole, since he has been in office, Mayor Maestri has reduced the debt of the city of New Orleans more than \$16,000,000 and at no time since January 1, 1937, has he found it necessary to borrow from the banks.

Every detail of operating cost has been paid out of current revenues, and all of the millions which the city itself contributed toward public improvement work in connection with W. P. A. and other Federal agencies have likewise been paid out of current revenues.

This program of public improvements has been a sweeping one, bringing benefits to every individual section of New Orleans, and all has been carefully planned and coordinated through the city planning and development board.

The city's street system has been completely rebuilt. Over 200 miles of streets have been paved, repaved, or otherwise improved. Traffic arteries, for which New Orleans had clamored for years, are now a reality.

Every public building, including the entire public market system, has been rehabilitated and modernized.

The playground system has been virtually made over and is being rapidly extended, arrangements for eight additional major recreation centers having been made within the past year.

Parks and parkways in every section have been beautified to the extent that New Orleans today stands out among all other American cities in this respect.

The city's sewerage, drainage, and water facilities have been completely overhauled. Over 200 miles of extensions and improvements have been made and an auxiliary water purification plant, which will take care of the city's needs for many years to come, has been constructed.

All of these improvements, including street paving, have been carried on without a cent of additional cost to abutting property holders—a far cry from the past when the cost of paving to the individual property owner often was so great as to amount to virtual confiscation of his property.

Mr. President, I desire to present another glaring example of how unfair is the press of my State, and how it will distort facts and attempt to crush those who differ with it.

On August 10, 1939, when I returned to my home in Louisiana after the adjournment of the first session of the Seventy-sixth Congress, I was asked for an interview by two young reporters of my home town, one representing the New Orleans Times-Picayune and States and the other the New Orleans Item and Tribune and a local daily. I began by giving these two boys fatherly advice, especially to young Belanger, who happened to be a schoolmate of my young son, and who stated to me that he was desirous of becoming a journalist. I complimented him on his choice, and stated that he could perform a great service to his country. I said to him, in substance: "Never libel any citizen, write the truth at all times, and your writings are bound to command respect."

I related to these boys how certain writers and columnists had a knack of distorting facts; how good men were libeled; that they had little or no chance to defend themselves. I cited specific instances of how propaganda writers misled people, how some of my colleagues in the Senate were unjustly criticized; and how I was lambasted by certain vicious newspapers and periodicals for my stand on the antilynching bill. I concluded by saying that unwarranted attacks by unscrupulous writers, the publication of filthy and slurring articles attacking the characters and good names of honest and decent people, and the continuous abuse of the freedom of the press guaranteed by the Federal Constitution would sooner or later lead to efforts to curb the activities of such scoundrelmongers. All of the above, mind you, was in the nature of fatherly advice, and given to these boys for their own information and not for publication.

The boys then began their interview. They asked me about the then current scandals in Louisiana, and I said that I would prepare a written statement, which I did, and it is as follows:

I am shocked. I am disappointed, and I do not blame the people for being aroused. I suggest, however, that they remain calm and do all they can to assist Federal, State, and local authorities to unravel this unfortunate situation. I ask that they refuse to listen to the rabble-rousers who preach, in effect, that because some officeholders in our State have violated their trust that all others are crooks and grafters also.

I have faith in our Federal officials and others who are conducting this investigation, and I believe they will leave nothing undone to the end that the accused will be tried, and, if proven guilty, punished. I have confidence in Gov. Earl K. Long and his sincerity of purpose. He is endowed with common rugged honesty, and I have every reason to believe that if given a chance he will weed out any crooked officeholder and make sure that he and others of like character are punished.

It is certain that the Governor is receiving much advice from well-meaning citizens as to how he should handle this situation. Some are finding fault because their suggestions are not being followed. If the Governor is furnished with facts and not rumors



I am certain that he will prove his courage and have the accused prosecuted.

What Governor Long needs most just now is the confidence and help of the law-abiding citizenry of the State.

The lad who represented the New Orleans Item and Tribune and the local newspaper rendered a correct version of our interview, and the newspapers that printed his story were accurate. The boy who represented the New Orleans States and Times-Picayune added a little color to his story, and the newspapers he represented added more distortion. In the Times-Picayune of August 10 I was quoted as saying, without explanation, that "the press of the Nation is losing the confidence of the public by its underhand tactics," and that "I would not be a bit surprised if in a few years Congress took measures to curb it." My colleagues would hardly believe me if I recounted all the distortions which followed. I was accused of everything under the sun—of protecting thieves and crooks and of being one of them. I was ridiculed by the press of the Nation because, it was written, I wanted to curb the press of the Nation—wanted to curb the press because, forsooth, the press had been instrumental in exposing thievery and graft in my State. Surely no honest editor could come to such a conclusion after reading my written statement.

Now, the best of it all is that the two newspapers in New Orleans which printed a correct version of the interview grasped at the unwarranted and uncalled-for interpretations placed on my interview by their two competitors, and themselves wrote vicious editorials condemning me for statements attributed to but never made by me.

Telegrams and letters of condemnation began to pour in. There I was—helpless. I happened to be in New Orleans the next day, and ran across a reporter of the Times-Picayune and Daily States. I complained about the unwarranted attack, and gave him the true version of my interview. A slight correction appeared in the Times-Picayune, but in the same issue there was published another vicious editorial of condemnation.

A few days thereafter I summoned the two young men who had interviewed me, and I laid before them the news articles and editorials. Both agreed that a grave injustice had been done to me. Whereupon I suggested to the boy who misquoted me that he write a correct version of our interview. He refused to do so, saying that if he did he would lose his job. I took the matter up with the managing editor of the Times-Picayune, who said he would look into it, and up to the present time I have not heard a word from him, and, as far as the public is concerned, it has not been made the wiser.

I sincerely believe that such an abuse of the freedom of the press is unwarranted and un-American. In a democracy of the type of that under which we live I realize that a free press is indispensable, but I believe that it is of utmost importance that the press be inspired by a sense of truth, justice, and fair play.

It might be of interest to Senators to briefly summarize the position of the candidates in the past Louisiana Democratic primary election with respect to their views on "Longism." Irrespective of what others might think, I still maintain that the real issue in the campaign was and is, not graft and corruption, but "Longism."

Mr. Mosely was the only candidate who publicly criticized the late Senator Long and his policies, and for his efforts he received less than 1½ percent of a total vote of over 553,000. Mr. Jones pussyfooted around the issue. He represents the corporate and newspaper interests of the State. He had the support of the organized anti-Long group in our State. With the help of the newspapers and a big corporation slush fund, which he never denied having received, he obtained only 28 percent of the votes of the State. The newspapers got a first-class licking. Four years ago the candidate of the Long opposition, with newspaper backing, received about 33 percent of the votes cast.

The two remaining so-called independent candidates were not opposed to "Longism," but on the contrary advo-

cated it to the "nth" degree. Both argued that the candidates on the Long administration ticket were responsible for all of the corruption and graft that was uncovered, and that they, as opponents, should be elected so as to clean the State of thieves and grafters. Mr. Morrison, the youngest of the five candidates, made very extravagant promises to the voters, and received 8½ percent of the votes cast.

Mr. Noe masqueraded as the only real, genuine Huey Long candidate in the field. He was born in Indiana, and knew the late Senator Long for a period of only 3½ years before his assassination. Noe argued to the voters that he not only preached "Longism," but practiced it—that he was the real disciple of the late Senator Long. Mr. Noe was one of the candidates who made much of the indictments that resulted from the current Federal investigations in Louisiana. He endeavored to slur the entire Long administration ticket because of these indictments. He charged that because a few persons in Louisiana had violated their trust, every official and State employee who was active in the affairs of the State administration was involved in crooked deals.

What Mr. Noe failed to tell the people of Louisiana was about his own record. Documentary proof was produced showing that he was indicted by a Federal grand jury in the District Court of the United States for the Western District of Louisiana, Monroe Division, in the case of United States of America against James A. Noe, Y. E. Hildreth, No. 4243, under date of April 8, 1926, where the defendants were charged with using the United States mail to defraud. He was accused of selling worthless oil stock to widows, in fact, to the public in general.

Noe was charged by one of his opponents in the campaign with having interested an oil promoter from Fort Worth, Tex., to help him promote. He guaranteed 300 percent within 90 days. Also in one scheme he guaranteed "a gusher or your money back." He collected \$200,000 in those schemes.

Mr. President, I ask unanimous consent to place in the RECORD at this point of my remarks, first, two certificates of stock of the Noe Oil Co.; second, one certificate of stock of the Noe Oil & Gas Co., and third, a telegram dated May 2, 1923, to Mrs. M. F. Holloman, Jr., and signed by James A. Noe.

The PRESIDING OFFICER (Mr. GURNEY in the chair). Is there objection to the request of the Senator from Louisiana?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

No. 301, 12 units.

Operating under a declaration of trust.

The Noe Oil Co., Farmersville, La.

This certifies that Mrs. P. P. Price is the owner of 12 units of the Noe Oil Co., fully paid and nonassessable, transferable only on the books of the company in person or by attorney upon surrender of this certificate properly endorsed.

In witness whereof the said company has caused this certificate to be signed by its duly authorized trustee and its seal to be hereunto affixed at Farmersville, La., this 6th day of October, A. D. 1923.

[SEAL]

JAMES A. NOE, Trustee.

No. 48, 30 units.

Operating under a declaration of trust.

The Noe Oil Co., Farmersville, La.

This certifies that Mrs. Mittie Price is the owner of 30 units of the Noe Oil Co., fully paid and nonassessable, transferable only on the books of the company in person or by attorney upon surrender of this certificate properly endorsed.

In witness whereof the said company has caused this certificate to be signed by its duly authorized trustee and its seal to be hereunto affixed at Farmersville, La., this 16th day of July, A. D. 1923.

[SEAL]

JAMES A. NOE, Trustee.

No. 106, 100 units.

Operating under a declaration of trust.

The Noe Oil & Gas Co., Farmersville, La.

This certifies that M. F. Holloman, Jr., is the owner of 100 units of the Noe Oil & Gas Co., fully paid and nonassessable, transferable only on the books of this company in person or by attorney upon surrender of this certificate properly endorsed.

In witness whereof the said company has caused this certificate to be signed by its duly authorized trustee and its seal to be hereunto affixed at Farmersville, La., this 20th day of July, A. D. 1922.

JAMES A. NOE, Trustee.

ELDORADO, ARK., May 2, 1923.

M. F. HOLLOMAN, JR.,  
Alexandria, La.:

Our well in 27 blew in this afternoon and is estimated at 20,000 barrels. It sure is a fine well. We will have to build more storage at once, and I have to have more money. I am going to give my stockholders a chance to take enough stock to do this. You can get \$50 by wiring it at once to Farmersville. You will have the same 300 percent guarantee you had on your first stock. Don't write. Wire it today if you want it. I hope you will take advantage of this great opportunity I am offering you.

I am, most sincerely,

JAMES A. NOE.

Mr. ELLENDER. Mr. President, Mr. Noe never denied the charges made against him. Although his record is black, he had announced for Governor 4 years ago. His chief claim to the governorship was based on the fact that Huey Long had died with some of his blood in his veins. It is a fact that Mr. Noe gave of his blood to the late Senator in an effort to save his life a few hours before he died. Because of this, and because he preached Long-ism, he received 21 percent of the votes cast.

I want to take a few minutes of the Senate's time to illustrate how faithful Mr. Noe has been to the memory of Huey Long. After parading around the State for over 3 months; after charging Candidate Jones with being a corporation candidate, operating with a slush fund contributed by the corporations and newspapers; after expressing his undying distrust and hatred of corporation lawyers and corporation-backed candidates, this same Mr. Noe has now gone over into the camp of corporation-backed Sam Jones, and he is going around the State today urging his good followers to vote for Sam Jones.

I have kept a newspaper file of the various speeches made during the past campaign, and I shall read to the Senate now a few extracts from Mr. Noe's speeches before election day and a few extracts from his speeches after he shifted to Candidate Jones. How any man could have the nerve, the unmitigated gall, so brazenly to double-cross his good, faithful, and honest followers in this manner is beyond me. Listen to these quotations from speeches made by Mr. Noe. They illustrate far better than I can describe his utter hypocrisy and lack of conscience and scruples.

Here is a quotation from a speech he made in north Louisiana. It appears in the New Orleans Times-Picayune of December 28, 1939:

WISNER, LA., December 27.—The big-money boys don't want Noe for Governor because they can't control him—they want their boy, Sam Jones, in there representing them just like he has for the past years.

Here is another statement which Mr. Noe made, as it appears in the New Orleans Times-Picayune of December 30:

CHENEYVILLE, LA., December 29.—Sam's real program that was designed by his corporation backers to protect and retrieve their "private interests" will never be publicly announced.

It is Sam Jones about whom Mr. Noe is talking, the same Sam Jones he is now asking his followers to support.

Here is still another statement made by Mr. Noe. This one appears in the New Orleans Times-Picayune of December 31:

JACKSON, LA., December 30.—Sam Jones is a corporation man. I told him that I dared him to deny that corporation heads got together in Shreveport and put up the big money for his campaign.

Senators will notice that Mr. Noe did not "think" that Sam Jones was a corporation candidate—he did not "suspect." Oh, no; he was positive in his statement. These are his words: "Sam Jones is a corporation man."

Here is another news item from the New Orleans Times-Picayune of January 8, reporting a speech made by Mr. Noe:

LAFAYETTE, LA., January 7.—The candidate [Noe] also attacked Sam Jones as "the puppet candidate of the big corporations who have been trying for years to get their hands on the State of Louisiana."

Senators would never guess from those words of Mr. Noe that deep down in his heart he really thinks that Sam Jones is a fine, wonderful man, would they?—that Sam Jones is the great savior of his State? No; and neither would I. And neither did Mr. Noe's good followers in Louisiana—his

faithful Huey Long followers. They believed Mr. Noe was sincere in his fight against Sam Jones and the corporate and newspaper interests Jones represents. That is why a good many of the ardent Huey Long admirers voted for Mr. Noe.

I shall read another quotation from a speech made by Mr. Noe before the election—before he associated himself with the Sam Jones crowd. This one is reported in the Baton Rouge Morning Advocate of December 31:

CLINTON, LA., December 30.—Sam Jones is a corporation man. He can't go in for homestead exemption because the funds to take care of these exemptions is made out of taxes on corporations. I told him that I dared him deny that corporation heads got together in Shreveport and put up the big money for his campaign. A man from Texas whom he had never met before came in and put up \$25,000. Now you know a man don't put up that kind of money just because you have light or dark eyebrows.

Now it seems that at one time during his campaign Mr. Noe grew facetious. He drew a word picture for his audience of what their State would be like if Mr. Sam Jones and the corporations he represents ever got into control of the State government. The New Orleans States of December 29 reports it. I shall read it. Now remember, this is Mr. Noe speaking, 3 weeks before the election:

TOGA, LA., December 29.—One thing I will say for the corporation set-up is it would probably provide Sam (Jones) with a lot of modern conveniences such as mechanical hand shakers and cabinets with lighted slots where country people that had traveled down to Baton Rouge to ask the Governor how come they hadn't got an increase in the homestead exemption, could drop written questions—and come by in the morning and get a printed answer by pressing a button, and almost immediately the "buttonaire" would replace the gray stain as the mark of a State official. It would probably be a little confusing to a couple of hundred thousand people for a while, but who can say? Maybe a majority vote of 22 corporation boards would save the people from such follies as paved roads, free lunches for school children, old-age pensions of \$30 a month, \$3 auto-license tags, and the like.

That may sound like a joke to you, my friends, but in effect it is the type of government that Sam Jones offers you.

And again, in a story published in the New Orleans States of January 1—New Year's Day—probably just after Mr. Noe had adopted his New Year's resolutions to speak only the truth—this is what he had to say about Mr. Sam Jones:

LAPLACE, LA., January 1.—If you elected Jones, Louisiana would have a puppet with not 1 but 42 strings controlling his every action.

There never was any doubt in Mr. Noe's mind before election as to the type of men who were backing Mr. Jones in this campaign. None whatsoever. Listen to what Mr. Noe had to say to his audience, as reported in the Baton Rouge Morning Advocate of January 10:

NEW ORLEANS, LA., January 9.—Noe renewed his dare to Sam Jones to deny that he had met with corporation heads in Washington-Yourcee Hotel at Shreveport and that they had raised \$250,000 for him in one afternoon. The gubernatorial candidate attacked John Ewing, publisher of the Shreveport Times, claiming he had praised the action of the Leche administration and adding: "He comes out here for Sam Jones now. Why? Because Sam Jones represents the big boys. And they think they can fleece the public, like they did up in Monroe, when I brought suit to keep them from getting money they had no right in getting."

Here is another statement published in the Times-Picayune of January 5:

If by any remote chance Sam Jones was to get into a second primary with Earl Long I want to tell you this: Seventy-five percent of my votes will come from the people who believe in Huey Long and loved him. The other 25 percent is from the regular anti-Long vote. And that 75 percent will never vote for J. Y. Sanders, Sam Jones, and that crowd, no matter what anybody tells them.

That was before Noe went into his so-called conference with Sam Jones. The following is a report of that conference as carried in the New Orleans States of January 19:

The conference at which the alliance was cemented was held in the St. Charles Hotel, where Jimmy Noe has made his headquarters during the campaign and where his radio station WNOE has its broadcasting studios.

Corridors were filled with Jimmy Noe leaders and workers, waiting impatiently for the news of the outcome of the conference. When the official statements had been typed and signed, the doors of the rooms were thrown open.

"Meet Sam Jones, boys and girls," greeted Jimmy Noe. "I'm starting on the stump for him right now."



And here is also a report that appeared in the New Orleans Item of January 19:

James A. Noe announced at noon today that he would definitely support Sam Jones in the second primary against Earl K. Long.

Noe made his announcement after a lengthy conference with Sam Jones and a group of Jones and Noe advisers, after Jones and his group called on Noe in Noe's quarters at the St. Charles Hotel.

"I will give out a formal statement on the question within the next 2 hours or so," Noe told reporters. But he said, flatly, that he had made up his mind and that his choice was Jones.

Jones remained inside the conference room when Noe stuck his head out to give the news.

Noe was grave, his face slightly flushed, when he made his statement. It came at the end of about 2 full hours of huddling between the two sides.

I shall now read the contents of the signed statement which Mr. Noe gave to the press, as a result of that conference:

I am wholeheartedly joining Sam Jones, throwing the full force of my personal efforts, and that of my organization, into the final stage of the fight to rid Louisiana of graft and corruption, and return to our State honesty and decency in government through a business administration, looking to the welfare of the people.

Sam's assurances that he will carry out the platform, principles, and pledges that I have advocated for the people in this campaign, have been given me, and this is my only consideration in making the decision.

I should like to believe that.

The attainment of this understanding makes my personal fight a success. It is now my duty, as a citizen, and my responsibility to the people who have supported me, to carry on this fight until our mutual goal has been attained.

I am confident that the people of Louisiana will rally to the cause for which we have been fighting and therefore call upon the thousands of my friends who have supported me in this fight to join me behind Sam Jones in a fight that will not be ended until graft and corruption has been driven from the State of Louisiana.

JAMES A. NOE.

And so Mr. Noe suddenly finds Candidate Jones has the same aims and ideals in the campaign as his own.

That is not all of the about-facing, pussyfooting, and boot scraping that has been going on in Louisiana during the past week. I should like to read a few statements that have been made by Candidate Jones, who, according to the words of one of his most ardent supporters and admirers of the moment—I refer to Mr. Noe—is an avowed, dyed-in-the-wool representative of the corporate interests, a puppet of the old J. Y. Sanders-Times-Picayune-New Orleans States crowd of anti-Long agitators. Listen to what Mr. Sam Jones has to say about Mr. Noe, his new-found friend, his long-lost buddy of World War days. Says Mr. Jones, according to a statement appearing in the New Orleans States of January 19:

I welcome the support of Jimmie Noe, which assures the defeat of the present corrupt State machine.

Jimmie Noe's action in continuing this fight in the face of his own elimination, proves his absolute sincerity in fighting for the elimination of corruption in this State. It demonstrates his fine patriotism and proves that he can fight for his country in time of peace as well as in time of war.

I am convinced that Jimmie Noe and I have been fighting for the same cause. I am in favor of the platform, principles, and pledges made by him, and now that the people opposed to the present administration have united, there is no doubt of a victory for the people, and defeat of Earl K. Long, and all he represents, which was overwhelmingly repudiated at the polls last Tuesday.

SAM JONES.

Those are Mr. Jones' own words as reported by one of his backers, the New Orleans States. And in the New Orleans Times-Picayune of January 20, Mr. Jones is credited with making a remarkable contribution to an already topsy-turvy campaign. I read from a news item appearing in the Times-Picayune:

Mr. Jones paid tribute to Mr. Noe as "the greatest man in Louisiana today."

"He is the man who enlisted himself in the fight against this machine at a great personal sacrifice to himself. The only promise he exacted from me for his support was that I fight for his platform pledges to you."

"I want to say to Jimmy Noe that his people are my people, and that I have joined the Noe Legion of Honor."

Mr. Jones thinks Mr. Noe is a great man—a wonderful man—the greatest man in Louisiana. The Times-

Picayune of January 23 quotes Mr. Jones as describing Mr. Noe as "the greatest living patriot in the State of Louisiana." That is what Mr. Jones is saying about Mr. Noe today. But do Senators know what he was saying about Mr. Noe during the days before the election? Let me quote a few of his prize utterances of that period. Here is a statement of his which appeared in the New Orleans Item of December 15:

The administration has Jimmie Noe in this race the same as they've got Earl Long in it. If you want the same kind of government that you've been getting—if you want to keep on with all this crime and corruption and thievery—then vote for Jimmy Noe; he's your man. Who is his candidate for Lieutenant Governor? None other than Dr. J. C. Menendez, the house doctor for Seymour Weiss' Hotel.

And still another by Mr. Jones as it appeared in the New Orleans Times-Picayune of December 14:

VILLE PLATTE, LA., December 13.—"Jimmy Noe was elected to the State senate with the support of the administration. He went to the legislature and pushed the green button for Dick Leche and that crowd. He is simply a stooge for the administration. They've got two candidates in this race, Earl K. Long and Jimmy Noe. Well, I'm glad they have, because I'm going to expose both of them."

"I made the statement at the start of this campaign that the administration had saddled you people with 27 new taxes. Now Jimmy Noe has taken that up and is going around the State crying about those 27 new taxes. Why, he voted for 26 of those 27 taxes himself. The only one he voted against was the sales tax."

"Jimmy Noe voted for all the dictatorial laws; he voted to take your rights away. He was part and parcel with the administration crowd, and yet he comes out here and asks you people to elect him Governor so he can put an end to that sort of thing."

His opponents are asking where Sam Jones was when "they were fighting this administration." Jones said, "Well, while Jimmy Noe was making money for himself up in Kentucky, I was fighting for those rights which were taken away from the people."

I think it useless to quote any more about what these two men thought and think about each other.

Oh, yes; on December 14 Mr. Jones thought Mr. Noe was just a "stooge" for the administration and was part and parcel of the administration forces. Today, according to Mr. Jones, Mr. Noe is "the greatest man in the State of Louisiana." What a transformation. Here we have witnessed one of the glories of Nature—first the worm, then the chrysalis, now the iridescent and resplendent butterfly.

Mr. President, Governor Long, a brother of Huey, was the target for all candidates, as well as the newspapers. He was accused of every crime in the books. Such blackguarding and skulduggery one never witnessed. Every accusation made against him was sifted by Federal and State grand juries, and nothing came of it; his record was clean. He based his campaign on "Longism," pure and simple, and notwithstanding the accusations made, he received 41 percent of the votes. He carried 51 out of the 64 parishes in our State over his nearest opponent, and led in 6 of our 8 congressional districts. He carried 9 parishes over all of his combined opponents.

Permit me to point out briefly what "Longism" means and has meant to our State of Louisiana. Prior to the advent of Huey Long, Louisiana was in the absolute control of the corporate interests of our State. Our natural resources, especially our timber, were being dissipated, and the corporations were escaping their just proportion of taxation. The only crime Huey Long committed, and which led to his impeachment before the lower house of the Louisiana Legislature in 1929, was that he had the courage and leadership to transfer the burden of taxation in Louisiana from the backs of those who could not pay and place it on the backs of those who could and should pay. To be frank, Senators, that is the reason for this newspaper opposition. Our newspapers are pleading the cause of their masters—big business. With the proceeds of those taxes Huey Long provided free school books, pencils, and paper for every child who attends any school in our State; new schoolhouses were built and old ones modernized; more and better teachers were employed at higher pay; free transportation is available to all school children, and no matter where a child lives, be it in a poor or rich community, the same educational advantages are provided for all. More and better colleges were afforded for the higher education of the youth of our State. In addition to Louisiana State University, the State maintains five other modern and up-to-date

colleges. Numerous trade schools, maintained by the State, dot our countryside.

Schools for the blind, the deaf, and dumb were enlarged and modernized; a comfortable establishment was built to take care of epileptics; the two hospitals for the insane, located at Jackson and Pineville, La., were enlarged and made more comfortable, and up-to-date treatment is provided for the unfortunates who inhabit them. We have provided hospitals and convalescent homes for the tubercular.

Without exception, Louisiana has the finest free hospital system of any State in the Union. We have six modern hospitals, located in strategic cities of our State, so that any poor person who might need medical care is within less than a 2-hour drive from a hospital. Ambulance service is provided free of charge; in fact, all the expenses for operating these hospitals are borne entirely by the State. In addition to these facilities the State maintains several hundred beds in private hospitals for emergency cases.

The State maintains 10 dental clinics, located in various parts of the State, for the care of the poor.

When Huey Long became Governor in 1928, Louisiana had less than 5,000 miles of improved roads, only 60 miles of which were paved. Real estate in each locality that desired roads was taxed. Today all parish seats are connected by paved roads. We have built more than 14,000 miles of roads, 4,600 of which are paved. This was accomplished by the imposition of a State-wide 4-cent gas tax. Louisiana is criss-crossed by rivers, creeks, and bayous. Toll ferries and bridges were in evidence on all sides prior to 1928. Today, modern free bridges span all of our streams, and we have done away with toll ferries and bridges. Two of these bridges span the mighty Mississippi—at New Orleans and Baton Rouge. They were built at a cost of \$25,000,000.

Huey Long raised \$5,000,000 to build a magnificent new capitol building which graces our State at Baton Rouge—a building which has achieved world-wide publicity because of its great beauty and magnificence, and which could not be built today for twice what it cost the State. It serves as a mecca for tourists.

Huey eliminated poll taxes. In order for a citizen to exercise his right to vote in Louisiana, he does not have to dig down in his pocket for a dollar or two each year in order to pay his poll taxes. They have been abolished.

All taxes on livestock, such as cattle, hogs, chickens, mules, horses, and so forth, have been removed. Ad valorem taxes on automobiles, boats, and other vehicles have been taken off.

These are some of the advantages afforded the poor people of Louisiana under Longism. We are now providing free hot lunches for poor school children. Dependent children, the aged and blind people of our State, are receiving attention. We plan to better their condition.

In addition to all of these blessings that Longism has provided for the masses of our people in Louisiana, no home owner whose assessment is \$2,000 or less pays one cent of State or parish taxes. That means that 82 percent of the farmers and home owners of our State do not pay one cent of taxes on their homes and farms. In some parishes as much as 92 percent of the farmers and home owners do not pay one cent of State or parish taxes.

Mr. President, it is my firm belief that the press of my State has been unfair to our own people and to those of the country at large. To read what is written, one would think that a dictatorship has been established in Louisiana, that anarchy reigns supreme, and that our public treasury has been plundered. Such is not the case. We have a well operated State government. We have a contented people. It is unfortunate that a few of our elected officials and some of our citizens have violated their trust. All of us who cherish good government abhor such conditions. The Justice Department has been relentless in its efforts, and I am of the opinion that just and adequate punishment will be meted out to those who are found guilty of wrongdoing.

I feel confident that a fair and impartial press would convey a different story about Louisiana under the Long regime than what has been written about it since 1928. Visitors are amazed at the steady progress that Louisiana has made since

that time. We have forged ahead, and intend to continue advancing, in spite of the adverse and unjust criticism of the press of our State.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MINTON. The Senator enumerated various taxes which Senator Long, when he was Governor, took off the backs of the people of the State. The Senator from Illinois [Mr. LUCAS] and I are very much interested in knowing what taxes were then levied to take the place of the taxes which were taken off.

Mr. ELLENDER. Prior to the time of Senator Long, a tax was placed on natural resources on a value basis. When oil, for example, sold for a good price the amount received per barrel was very good; but in most cases the value of oil was as low as 30 or 40 cents a barrel, and 2 percent on oil selling at 40 cents a barrel could not bring much revenue. So what we did was to change the tax to a quantity basis. We placed it on a per barrel basis, so that, no matter what oil sold for, whether it sold for 5 cents or \$1.50, the State treasury collected from 5 to 11 cents per barrel, depending on the specific gravity of the oil. That was one of the taxes.

Prior to 1928, the oil interests paid \$1,200,000 in such taxes. Today they pay in excess of \$12,000,000 on these natural resources.

Then we enacted the income-tax law. Today that tax brings into the State treasury between \$5,500,000 and \$6,000,000 yearly. We have placed a tax of 2 percent on public utilities. We have a corporation franchise tax. All of those taxes, plus a few others that I cannot think of at the moment, added together have given us enough money to accomplish the benefits I have just mentioned.

Mr. President, I ask unanimous consent to place in the Record, following my remarks, excerpts from a radio address delivered by me, giving the very information asked for by the Senator from Indiana [Mr. MINTON] and the Senator from Illinois [Mr. LUCAS].

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LUCAS. Are the taxes collected from the various corporations in Louisiana sufficient to take care of all the expenditures on the pay-as-you-go basis?

Mr. ELLENDER. Yes; for the maintenance and upkeep. We borrowed money to build our roads.

Mr. LUCAS. In other words, aside from the roads, Louisiana collects a sufficient amount of taxes to maintain all the various constructive improvements which the Senator has discussed in his statement today?

Mr. ELLENDER. That is correct.

Mr. LUCAS. As I understand, the indebtedness of the State, other than the obligations for roads, has not increased since the Long administration.

Mr. ELLENDER. I will make just a few exceptions to that statement. Prior to Governor Long coming into power the State had a bonded indebtedness of almost \$60,000,000. The indebtedness represented some bonds, amounting to \$14,000,000, imposed back in 1914 in order to pay deficits of prior governors. The rest of the indebtedness represented a bond issue to build the industrial canal in the city of New Orleans, the bonds for which, by the way, are now being partly retired by some of the taxes imposed by the Long administration and now being collected. The entire amount of bonded indebtedness incurred under Governor Long and his successors is \$167,000,000. Of said sum \$28,000,000 have been retired, thereby leaving \$139,000,000 still due and unpaid. With that amount of money the road system and all the bridges which I have described were built. In addition to building the roads, a part of the money raised through bonds was used to build our State capitol and the executive mansion, and to improve some of the hospitals and other public buildings in our State. However, the retirement of most of these bonds is provided for through taxes imposed, principally the corporation-franchise



tax. In Louisiana we collect a corporation-franchise tax equal to \$2 for each \$1,000 of capital. A substantial amount of the money collected from that source is pledged to retire the bonds which were issued to build the hospitals which I have described and other public buildings.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MINTON. What is the present bonded indebtedness of Louisiana?

Mr. ELLENDER. The entire bonded indebtedness today, as I recall offhand, including the balance due on the bonds issued prior to 1928, when Governor Long was elected to office, is approximately \$182,000,000. As I have just stated, I have inserted in the RECORD excerpts from a radio address by myself, in which the figures are set forth accurately.

#### EXHIBIT A

[Excerpts from radio address delivered by Senator ALLEN J. ELLENDER (Louisiana) at New Orleans, La., on January 12, 1940, over radio Station WDSU and State-wide hook-up]

The good people of this State won't be misled by these tactics; they know that Candidate Jones and his crowd and Candidate Noe and his crowd are attempting to gain control of our State government for the benefit of the corporations and oil interests in order that they may restore to Louisiana the old regime which existed before Huey Long became Governor of this great State. They want to undo the great works of Huey Long, who shifted the burden of taxation from the backs of those who couldn't pay and placed it on the backs of those who could pay. It is easy to understand why the corporate interests and the rich interests don't want any more of the Long form of government. They've had enough. They tell you so. They want to get rid of the 26 various taxes which they say our administration has placed on the statute books. And well they might wish to get rid of those taxes, because they are being paid not by the poor people of this State, not by the working people, not by the citizen of average circumstances, but they are being paid out of the treasury of the big corporations and out of the pockets of the rich interests. Oh, yes; Candidate Jones raises a big howl about the many, many taxes that are being paid in Louisiana. He says he is going to do away with them. He is going to abolish them. Well, let us see about some of those taxes that Candidate Jones wants to abolish.

First of all there's the severance tax. That is a tax which is collected from the oil interests, from the gas interests, from the sulfur interests—from persons or corporations who exploit our natural resources. Do you know how much severance taxes were collected from those interests prior to the time Huey Long became Governor of Louisiana in 1928? A paltry \$1,200,000, that is all, in spite of the fact that Louisiana is one of the richest States in the Union in natural resources. And compare that figure with the amount of severance taxes that we collected in the year 1938—over \$12,000,000. So well might the corporate interests and the rich oil interests want to do something about the severance tax being removed. It hurts them; it hurts their pocketbooks. But it doesn't hurt the workingman, the farmer, the poor, and the underprivileged. It helps them. Because that tax money is used to operate your schools. With it your State government has been able to increase the State contribution to the support of the parish schools and decrease the parish contribution. For instance, in 1928 the State contributed approximately \$5,000,000 to the school fund. Today the State contribution amounts to approximately \$16,000,000—over three times as large. That severance tax money is being used to improve our schools, to provide better pay for teachers, and raise the standards for teachers; to provide free schoolbooks, paper, and pencils; provide free libraries to all schools in the State; free transportation for all country students; and Gov. Earl Long has just been successful in getting started, with the aid of the Federal Government, a program to provide free hot lunches to the school children.

There is a splendid tenure law in force to protect our teachers. Our colleges and universities have been remodeled and revitalized, and today they rank with the best in the country. We have started to build trade schools throughout the State; in 1928 there was only one trade school in Louisiana, and that was located in New Orleans. Today there are trade schools, all operated at State expense, at Bogalusa, Shreveport, Natchitoches, Winnfield, Opelousas, Crowley, and Lake Charles, and Governor Long has pledged himself to construct trade schools throughout the State until one is within each reach of every boy and girl. We have in effect a State-wide school equalization fund, so that parishes that are poor may receive from those that are richer; and the result is that our schools in the poorer parishes are about as good as those in the richer parishes.

All of those benefits to our school system are made possible mainly through the revenues that accrue to the State from the severance tax, and from another tax that I want to tell you about right now—the State income tax. That is another tax which is paid by those who are able to pay, and not a dime of it comes out of the pockets of the poor and underprivileged. The money collected from that tax is used to take care of your homestead exemptions, and the remainder goes to the State school fund, along with taxes collected from public utilities, sale of alcoholic beverages, and sale of cotton futures—and I again want to point out to you that the person of average circumstances, the farmer,

the storekeeper, the laborer, does not pay a dime of those taxes. I don't believe there is a working man in Louisiana, or a farmer, or a small-business man, or a widow or struggling business woman, who wants to do away with the homestead exemption. That is a direct benefit which our administration has given to the people of this State, in order to relieve them of the burden of unjust taxation. I know that it was with a feeling of genuine relief that every man and woman tonight listening to my voice, who owns a home in this State, walked up to the tax collector's office and had him stamp "Paid" on his notice of State and parish taxes on assessed valuation up to \$2,000 without having to fork up a thin dime for that privilege.

And then there is the corporation franchise tax—that is another tax which the big boys do not like. And they don't like it because they are the ones who have to pay it. With the money that the State collects from the corporation franchise tax, we were able to improve the Charity Hospital in New Orleans, and the Louisiana State University in Baton Rouge, our other educational and charitable institutions, and furnish other much-needed benefits for the people of our State.

I could tell further of all the benefits that you good people are receiving from the taxes that are now collected, not from the poor people, but from the rich and corporate interests of our State. But time will not permit me to go further into detail.

But let me warn you of this—that when Candidate Jones and Candidate Noe and Candidate Morrison and Candidate Mosely come around yelling to high heaven about the taxes that our administration put on the statute books, and how they are going to take them off if they become Governor—just remember that those taxes are not on your backs, and if perchance they were to be taken off, then some other means of taxation would have to be found to replace the revenues that are thus shut off. And that is when you good people would be taxed, and taxed heavily, just as you were in the days before 1928, before Huey saved the State from the corporate interests, the Times Picayune, the New Orleans States, Shreveport Times, and their like.

Now Candidate Jones also goes around the State telling you good people that we collect \$78,000,000 of taxes per year. That is just another one of Candidate Jones' misstatements of facts. I have before me the report of the Census Bureau for 1937, and it does show that the State of Louisiana took into its treasury, from all sources, \$78,000,000 during the year 1937. But what Candidate Jones did not tell you is that \$16,000,000 of that amount represents money put up by the Federal Government as grants-in-aid for relief, public roads, unemployment insurance, and other similar items. It can in no sense be construed as taxes collected by our State government from our people, but Candidate Jones would have you think that it is.

I went to considerable trouble when I returned to Louisiana last November, in order to analyze the expenditures of our State government. I took the 1938 appropriation bill and totaled the expenditures of our State governmental departments for the fiscal year 1938-39. The expenditures authorized in that bill aggregated \$66,900,000 for our entire State functions, for the fiscal year 1938-39. And of that amount 33½ percent went for purposes of education. In other words, out of every \$100 appropriated by the State, education got \$33.50. Highways got \$28 out of every \$100; public welfare received \$10.50; eleemosynary institutions, \$7.50; homestead exemptions, \$5; and veterans, \$1.50. In other words, those six branches of our State government received \$86 out of every \$100 authorized to be spent in 1938.

Two and one-half dollars out of every \$100 went toward running the legislative and judiciary branches of the government, and the department of agriculture, \$2 was expended to retire interest and principal on the old State debt which was saddled on us before the time of Huey P. Long, and \$1.50 was used to retire the debts of the ports of New Orleans and Lake Charles, another indebtedness which Huey inherited from his predecessors.

That now accounts for \$92 out of every \$100 appropriated, and it leaves \$8 out of every \$100 with which to run all the executive branches of the government—just think of that, only \$8 out of every \$100, or a total amount of only \$5,600,000 to run the Governor and Lieutenant Governor's office, the secretary of state's office, the adjutant general's office, the labor department, registrars of voters and assessors throughout the State, conservation department, auditing department, collector of revenue, supervisor of public funds—in other words, each and every branch of the executive department is taken care of with that \$5,600,000 appropriation.

And yet Candidate Jones and Candidate Noe and Candidate Morrison and Candidate Mosely have the temerity to go before the people of this State and tell them that they are going to save enough from graft alone to cut out various taxes altogether, reduce licenses on autos and trucks, and at the same time, without imposing additional taxes, increase old-age pensions to \$30 per month. Now I ask you, can't you see for yourself how absurd and ridiculous are those statements. Why, even if these would-be Governors abolished the entire executive branch of the government, abolished all of its functions, even their own office and salary as Governor that saving would amount to only \$5,600,000. And we spent out of the State treasury in 1938 for welfare purposes alone—that includes old-age pensions and aid to the blind and crippled and dependent children—we spent for those purposes alone approximately \$6,900,000 in 1938. So if they are going to double and triple old-age pensions and grants to the needy, then they've got to get the money somewhere, and they can't do it by reducing taxation. Because common sense tells you, whether you are a bookkeeper or not—any farmer, or housewife, or laborer can tell you that you can't keep

taking money out of your pocket to pay for the necessities and luxuries of life without putting some more money back in that pocket to replace what you spend. So I say to you that if these opposing candidates carry out their pledges to the corporate interests and the oil interests and the big-business interests by reducing the taxes they have to pay, then the poor people of this State will suffer, and they will suffer heavily. Because we can't afford to take money away from our schools—they need all the money they can lay their hands on—we don't want to lose the homestead exemptions; we don't want to lose the free schoolbooks; and hot lunches; we don't want to lose our free hospitals, free dental clinics; we want our old-age pensions, and Governor Long has promised a material increase in the present payments; we want to continue our good roads and free bridges program; in short, my good friends, we want all the wonderful benefits we are now sharing under the Long administration, and I know that the great majority of our people are aware of the issues that are facing them in this election, and in gratitude for benefits received they will vote the Earl Long ticket from top to bottom, just as they voted the Huey Long ticket in days gone by.

And now I would like to say a word about our bonded indebtedness. Candidate Jones has gone all over the State charging that when Huey Long became Governor the per capita bonded indebtedness was only \$6 per person; well, since we have approximately 2,000,000 persons in Louisiana, this would indicate a bond issue of only \$12,000,000. I have made a complete study and analysis of our bonded indebtedness, both as of 1928 and as of today, and the records show that the total bonded indebtedness of the State in 1928, when Huey became Governor, was \$58,000,000. Of course, a difference of \$46,000,000 in his figures is a mere nothing to Candidate Jones, for he also told the good people of this State that the present bonded indebtedness of our State government amounts to \$200 per person, indicating a total bonded indebtedness of \$400,000,000; well, the actual figure as of November 1939 is \$182,000,000—so Candidate Jones only exaggerated to the tune of \$218,000,000 in that instance.

There has been so much misrepresentation and falsification spread throughout the State regarding our bonded indebtedness that I want to spend just a few minutes analyzing the expenditures that have been made since 1928. The State of Louisiana has issued, since Huey Long took office, a total of \$129,000,000 of highway bonds, and of that amount \$24,000,000 have been paid, leaving a balance of \$105,000,000 due and outstanding. With the proceeds of those bonds, we have constructed in Louisiana one of the finest road systems in any State of the Union. Consider this: That when Huey Long became Governor in 1928 we had less than 5,000 miles of improved roads in this State, only 60 miles of which were of high-type pavement. Today we have over 19,000 miles of improved roads in Louisiana, and 15,000 miles are of concrete and gravel. That is how we spent \$95,000,000 of the road-bond issues. With the other \$34,000,000 of bond money, we built the fine system of free bridges that span the rivers and bayous and creeks of our State, including the magnificent bridge across the Mississippi River at New Orleans, another under construction at Baton Rouge, the beautiful bridges spanning the Red River at Shreveport and Alexandria—I could name dozens and dozens of outstanding bridges that have been built with that money; and remember this, ladies and gentlemen—that those road bonds are retired out of the gasoline tax, which is paid for by those who use our highways and in proportion to the amount of benefit that the users get out of those highways. It is a fair tax—paid equally by Louisianians and outsiders who use our highways.

In addition to the highway bonds that I have just spoken of, we issued approximately \$5,000,000 of bonds to pay pensions to Confederate veterans and their widows and dependents—and over \$1,000,000 of those issues have since been paid up. We issued \$4,950,000 of bonds to liquidate old State debts, which represented the cost of the first building program at Louisiana State University; we issued \$5,000,000 of bonds to build a magnificent new capitol, which graces our State at Baton Rouge—a building which has achieved world-wide publicity because of its great beauty and magnificence, and which could not be built today for twice what it cost us—and \$1,750,000 of that issue has already been retired.

We issued approximately \$2,000,000 of bonds to refinance the operations of the port of New Orleans, and refunding of those bonds is paid for out of port of New Orleans revenues. Then we issued back in 1938, \$6,000,000 of bonds to match \$4,000,000 in Federal funds, with which to construct new and modern buildings and facilities at our charitable and educational institutions, such as Southwestern Louisiana Institute, Southeastern Louisiana Polytech, School for Deaf and Dumb at Baton Rouge, Southern University for the colored, at Scotlandville. Those bonds are payable out of corporation franchise revenues. We issued \$5,300,000 of bonds to construct new buildings at Louisiana State University; those bonds are payable out of corporation franchise tax revenues. And we also issued \$8,900,000 of bonds to build the new Charity Hospital at New Orleans, which bonds likewise will be liquidated out of proceeds of the corporation franchise tax.

So that gives us a total of \$167,000,000 of bonds which were issued since Huey Long took office, and of that amount, \$28,000,000 have been retired, leaving a net balance of \$139,000,000 outstanding. And I challenge our opponents to find where any of those funds were spent without the State receiving in return good, substantial, and much-needed improvements, that redound to the benefit of the masses of our people.

Time will not permit me to discuss some of the other issues of this campaign, but I ask the good people of this State to exercise

their right of the ballot, unhampered and without fear or intimidation. Pay no attention to the malicious charges of opposing candidates and to the misrepresentations of the newspapers. Go to the polls on January 16 and vote for Earl K. Long for Governor, and for the rest of the candidates on his ticket. Remember, the people have been in charge of their government since 1928, under the present administration, and should you fail to maintain your government where it is, and return it to the privileged classes, years may elapse before you will be able to restore it and operate it for your benefit. Remember, that there will never be another Huey Long to shed his blood to save you from the strangle hold of corporate interests.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 1820) to provide for the transfer of certain land owned by the United States to the State of Texas; and certain other land to the county of Galveston, Tex.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2001) for the equalization of letter carriers.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7805) making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation for the fiscal year ending June 30, 1940, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the conference.

#### LANDS ADJACENT TO TURTLE MOUNTAIN INDIAN AGENCY, N. DAK.

The PRESIDING OFFICER (Mr. GURNEY in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1036) to authorize the purchase of certain lands adjacent to the Turtle Mountain Indian Agency in the State of North Dakota.

Mr. FRAZIER. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER conferees on the part of the Senate.

#### SUPPLEMENTAL MILITARY AND NAVAL APPROPRIATIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7805) making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation for the fiscal year ending June 30, 1940, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist upon its amendments and agree to the request of the House for a conference and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

#### AUTHORIZATION FOR COMMITTEE REPORTS DURING ADJOURNMENT

Mr. BARKLEY. I ask unanimous consent that during the adjournment of the Senate following today's session the Appropriations Committee and any other committee of the Senate may be authorized to submit reports on any measures they may be ready to report.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.



## EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER, as in executive session, laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

## ADJOURNMENT TO THURSDAY

Mr. BARKLEY. I move that the Senate adjourn until Thursday next.

The motion was agreed to; and (at 2 o'clock and 2 minutes p. m.) the Senate adjourned until Thursday, February 1, 1940, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate January 29, 1940*

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY  
TO QUARTERMASTER CORPS

Maj. Marion Irwin Voorhes, Cavalry, with rank from August 1, 1935.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES  
GENERAL OFFICERS

Maj. Gen. Roger Weed Eckfeldt, Massachusetts National Guard, to be major general, National Guard of the United States.

Brig. Gen. William Francis Howe, Massachusetts National Guard, to be brigadier general, National Guard of the United States.

## HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 29, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, teach us to be still and know that Thou art God; cleanse us, keep us, and hold us safe. O let our souls wait for the Lord even more than they that wait for the morning. In this fear-haunted world lead us to the shadow of the cross and there inspire us to make our choice. We pray that we may be keepers of Thy commandments, defenders of Thy law, and towers of strength in all Thy righteous ways. Do Thou give us light in our blindness and open wide unto us the gates of knowledge and understanding. Let Thy glory be declared among all nations and Thy wonders among all peoples. Thou who art the Ancient of Days, hasten the hour when they shall come from the east and from the west, from the north and from the south, and shall sit down in the kingdom of God. In the Redeemer's name. Amen.

The Journal of the proceedings of Thursday, January 25, 1940, was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7805. An act making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1955) entitled "An act to authorize the Secretary of Agriculture to delegate certain regulatory functions and to create the position of Second Assistant Secretary of Agriculture," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WHEELER, Mr. THOMAS of Oklahoma, Mr. SCHWELLENBACH, Mr. NORRIS, and Mr. McNARY to be the conferees on the part of the Senate.

LXXXVI—47

## SUPPLEMENTAL APPROPRIATIONS FOR THE MILITARY AND NAVAL ESTABLISHMENTS, COAST GUARD, AND FEDERAL BUREAU OF INVESTIGATION

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7805) making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. TAYLOR, WOODRUM of Virginia, CANNON of Missouri, LUDLOW, SNYDER, O'NEAL, JOHNSON of West Virginia, TABER, WIGGLESWORTH, LAMBERTSON, and DITTER.

## INTERNAL-REVENUE TAXES

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

[Mr. COCHRAN addressed the House. His remarks appear in the Appendix of the Record.]

## EXTENSION OF REMARKS

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial on the subject of neutrality.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BOREN asked and was given permission to extend his own remarks in the RECORD.

Mr. ALLEN of Pennsylvania. Mr. Speaker I ask unanimous consent to extend my own remarks in the RECORD and include therein an address on bituminous coal delivered by Mr. Carroll B. Huntress.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal and the disposition of business on the Speaker's table, and following the legislative program of the day, I may be permitted to address the House for 6 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## WILLIAM M'KINLEY

Mr. SECCOMBE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SECCOMBE. Mr. Speaker, this is the anniversary of the birth of one of the greatest Americans. On January 29, 1843, William McKinley was born at Niles, Ohio. I am proud of the fact that I now have the honor to represent in this House the same district that this great American represented. When we consider who was the greatest American, there can be no definite decision, for many were great. Some were great in one respect, and some were great in other respects. Probably none of our great Presidents was more circumspect in his private life than Mr. McKinley. His tender regard for his aged mother and his invalid wife won for him the respect of the manhood of the Nation and the devotion of the womanhood of the Nation. So splendid was his private relationship with the people who came in contact with him that the mothers of the Nation held him up to their sons as a model. So generally beloved was he, that when the news flashed over the wires that he had been assassinated and had died it was

said of him, as it was said of another great character, "the children cried in the streets."

Although McKinley was a great Governor of the great State of Ohio, and although he was a highly honored and respected President, because he was recognized as a man of able purposes and of great ability; and although as the Chief Executive of our country, his was the lot of guiding us through a major war, which he did in such a manner as to win the admiration and the respect of the world, still the public service that he rendered that contributed most to the welfare of our country and to his name and memory were the services rendered by him as a Congressman, and in this very room. There may have been greater Presidents than McKinley. This will depend upon the judgment and feelings of the person making the appraisal. But, to my mind, by any fair appraisal it must be conceded that in McKinley was the greatest Congressman ever to serve in this the greatest and most deliberative legislative body in the world. As a member and as chairman of the mighty Ways and Means Committee, he took an active part in writing and passing tariff legislation. In any list of the great Americans who formulated our tariff policies, the name of William McKinley will lead all the rest. In the years between 1893 and 1896 the country suffered terribly by reason of a stubborn depression which had come because of the economic policies of the Cleveland administrations. The campaign of 1896 was waged upon the tariff and the economic problems of the Nation, with the result that William McKinley was overwhelmingly elected. Immediately upon the election of McKinley, as if by magic, business began to improve, unemployment began to disappear, and an era of prosperity was ushered in that gained such momentum as to carry itself for several years. That was the beginning of an intensive industrial age which carried our country to world power and influence as a producer of goods. The Spanish-American War made the United States a world power in the politics of the world, likewise in this age our country reached a position of great financial importance in the parleys of the other great nations of the world.

McKinley was a statesman of the highest order. His statesmanship was constructive. Although gentle and well mannered, almost to timidity, still he was courageous. His ability, his tact, and his courage carried him to high places. Again I say it is a great honor for anybody to represent in Congress the people of the district which he represented. It shall always be my aim to do what I think he might do if he were in my place. The people of my district hold Mr. McKinley up as their most exalted citizen. They would quite generally approve of what I do if they thought it would have met the approval of Mr. McKinley.

Today we hear much about reciprocity in trade agreements with other nations. It was William McKinley that fathered this policy and made it a part of our methods of dealing with foreign trade. There are some who claim that the present system of entering into reciprocal-trade agreements is in line with the McKinley policy. This is not true. The difference between the two policies is exactly what makes one system constitutional and the other unconstitutional. McKinley advocated trading only in commodities that would not be in competition with American-made commodities and in commodities the importation of which would not displace American labor. His theory would not admit Argentine beef in competition with American beef or Japanese pottery in competition with American pottery.

Next to his clean, shining, personal life, McKinley's life as a soldier most completely portrays his real character. He was just 18 years of age when the Civil War broke. He was teaching school. He volunteered among the first, proving his love for his country. When he enlisted at Columbus, Ohio, he met Rutherford B. Hayes, who was several years older than young McKinley. They formed a friendship then that, through numerous baptisms of fire and blood, ripened into a friendship and devotion like that of David and Jonathan. Each served through the entire war. Hayes came out as general and with a badly wounded arm. McKinley came

out as a major, having won all his promotions for gallantry on the firing line. Phil Sheridan in his story of the Civil War gives William McKinley very special mention for personal heroism at Cedar Creek when Sheridan made his famous ride from Winchester 20 miles away. He made the reference long before McKinley was even a Congressman, much less a Governor and a President.

And again, at Antietam, McKinley saved the day. The State of Ohio, by legislative appropriation, has erected on the battlefield at Antietam a very large and imposing granite shaft on the spot under the brow of the hill where McKinley brought relief to the Union Army that saved the day and enabled them to gain a great victory. It was this victory that moved Abraham Lincoln to sign and promulgate the Emancipation Proclamation.

In my home city of Canton, Ohio, is erected a beautiful memorial to McKinley. It was erected at the expense of many thousands of dollars, made up by small contributions from the school children of the Nation. This is a shrine before which millions of loyal Americans have bowed their heads and lifted their hats. Truly, William McKinley was a noble man, a genuine patriot, and a great statesman. I am proud to bring to this Congress the greetings of a splendid people in my district who join me in thanking you for this opportunity to tell you again a brief story of our great and beloved fellow citizen, William McKinley. [Applause.]

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein a letter written by Mr. McKinley to a personal friend of his; a report on the funeral obsequies of President William McKinley at Canton, Ohio, September 17 to 19, 1901; and a letter addressed to me from Mr. William T. Kuhns, of Canton, Ohio, together with enclosures, concerning the former President.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The matter referred to follows:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., March 25, 1878.

JOHN POLLOCK, Esq.,

North Lawrence, Ohio.

DEAR SIR: Yours of the 23d is received and contents noted. In reply to your several inquiries, I reply that the tariff question is assuming great prominence and very nearly divides the two great parties and may be fairly said to be a leading issue. It is certainly a highly important one, closely connected with the business interests of the country, and is creating more attention in Congress than any other.

The Republicans, as you know, favor a system of tariffs not only for revenue but for protection also, while the Democratic Party is opposed to protection.

The manufacturing, mining, and agricultural classes are all and equally interested in home protection. If the Democratic Party had its own way, it would flood the country with foreign products, free of duty, to the great detriment and injury of our own productions—our own manufacturers—and I need not tell you that when the manufactures of this country are broken down, labor, now so much depressed, goes down with them. Therefore its importance.

The money question is substantially settled, possibly not in all its details, but silver is made a legal tender for all purposes, the greenback dollar is within 1 cent of the value of gold. So that we have gold, silver, and greenbacks as the circulating medium of the country, varying but little on their purchasing power, respectively.

The Republican Party is now and always has been committed to a good, sound currency, which is always the best for all classes, rich or poor. It is out of the power of any political party to make money plenty. That must come from thrift and economy on the part of the individual and the Nation, and by fostering and protecting our industries at home. I don't know what to say of the National Party. Indeed, I know little about it, except what I see in the public press. I do think, however, that whatever good is to be wrought for this country must come from one of the two leading parties, Democratic and Republican. New parties are apt to injure the party least worthy of injury. Needed reforms, either in principle or administration, must come through one of the two parties, and the question for us as good citizens, loving our country and desiring its prosperity and permanency, is to cast about and see which of the two parties are the best instruments for the accomplishment of reforms. I need not tell you that I believe the Republican Party has in it the virtue, the wisdom, and the courage to achieve for this country and its people of all classes the highest and greatest good.

The record and aspiration of the two parties are known to the country, and we must judge each for oneself between them. The Nationals may have the best and highest purposes in view, and I do



not doubt but that this is so among its rank and file, but the question still comes back, What can it hope to accomplish against the two great parties so firmly fixed and long established in this country?

If it be true, as I see by the newspapers, that General Coxe is the leader of the new party, this fact, I am sure, would furnish another reason why good men should pause before espousing it.

I hope our good friends in your locality, who have always stood with the Republican Party, will continue its fealty to that party, whose record is so full of achievements for the good of the country and mankind, and whose future promises still greater good. I am sure it should commend itself to their hearty respect and support. I have written you hastily and frankly, and shall hope to hear from you soon. When I come home we will have a full talk going over the whole ground.

Believe me, sincerely yours,

WILLIAM MCKINLEY, Jr.

REPORT OF LT. COL. HARRY FREASE AS CHIEF OF STAFF OF THE CHIEF MARSHAL FOR THE FUNERAL OBSEQUIES OF PRESIDENT WILLIAM MCKINLEY AT CANTON, OHIO, SEPTEMBER 17-19, 1901

HEADQUARTERS OF DIVISION, OHIO NATIONAL GUARD,  
CHIEF COMMISSARY'S OFFICE,  
Canton, Ohio, September 30, 1901.

THE ASSISTANT ADJUTANT GENERAL,  
Division Ohio National Guard, Akron, Ohio.

SIR: I have the honor to report as follows, in connection with my detail as chief of staff of the chief marshal, as per telegraphic orders received early in the morning of the 17th instant, from Assistant Adjutant General George M. Wright, in response to a request from Chief Marshal Hiram Doll, by the executive committee through its chairman, the mayor of Canton.

Anticipating the needs of the occasion, for the disposition of the troops and the organizations coming to participate in the funeral procession, on Monday afternoon, the 16th instant, through the courtesy of City Civil Engineer Phil. H. Weber, I secured the services of one of his draftsmen, being First Lt. Jesse A. Starret, Company M, Eighth Infantry, Ohio National Guard, who traced an outline of Canton from the camp to the cemetery, from which tracing I secured a zinc etching, and by Tuesday evening had 500 copies of the plate printed for the use of the chief marshal and in the division headquarters. A copy of the outline is attached hereto, and the plate has been forwarded to the Adjutant General's Office at Columbus. On Monday evening I applied to the city council for permission to use the mayor's court room in the city building for the headquarters of the chief marshal and the assembly room in the same building for an emergency division hospital, which permission was granted; and on Wednesday morning the chief marshal's headquarters were established in said court room, which was shared with Major General Dick for division headquarters.

The street arrangements for the reception of the remains and the funeral obsequies of the late President of the United States, which were directed by the chief marshal, were planned primarily by the executive committee and were promulgated in a mayor's proclamation, in several announcements prepared by the committee and issued by it or in the name of the chief marshal, and in four general orders prepared and issued by the chief marshal; which several forms of orders were published in regular and extra editions of the Evening Repository, as follows:

#### MAYOR'S PROCLAMATION

CANTON, OHIO, September 17, 1901.

To the citizens of the city of Canton:

In compliance with a request of the executive committee having in charge the arrangements for the funeral of the late President, and in conformity with a resolution passed by the honorable city council, it is hereby ordered as follows: That all places of business and manufactories be closed from 10 o'clock a. m. September 18 until 6 o'clock p. m. September 19, excepting, however, hotels, restaurants, eating houses, lunch counters, refreshment parlors, and news depots.

It is further ordered that on September 18, between the hours of 10 o'clock a. m. and 9 o'clock p. m., no vehicles, including delivery wagons, automobiles, and bicycles, shall use or occupy the following streets: East Tenth Street from Pennsylvania Depot to Cherry Street; Cherry Street to Tuscarawas Street; Tuscarawas Street to Cleveland Avenue; and Market Street from Seventh Street to Erie Street.

It is further ordered that on September 18, between the hours of 8 o'clock a. m. and 9 o'clock p. m., no vehicles of any kind and description, automobiles and bicycles, use or occupy the following streets: Market Street, from Lake Street to South Street; Tuscarawas, from Cherry to Harrison Avenue; Cleveland Avenue, from Lake to South Street; Hazlett Avenue to Harrison Avenue; and Deuber Avenue to Market Street.

It is further ordered that no lunch counters or refreshment stands be erected on any of the public grounds of the city, except by special permit of the city council or the committee on public comfort.

By order of

JAMES H. ROBERTSON,  
Mayor of the City of Canton.

#### WEDNESDAY'S PROGRAM

Funeral train to arrive at 11 o'clock—Body to lie in state at the courthouse until 9 p. m.—Canton Post to act as escort when remains are taken to McKinley home

When the remains lie in the courthouse, the people gathered shall form in line, four abreast, at the south door of the courthouse,

extending westwardly on West Tuscarawas Street. All persons shall fall in at the end of the line and shall refrain from getting into line at any other point.

HIRAM DOLL, Chief Marshal.

HARRY FREASE, Chief of Staff.

The executive committee announces the following order of exercises for Wednesday, September 18:

The funeral train will be met at the station upon its arrival at 11 o'clock a. m. by the following honorary pallbearers, selected by the family: John C. Dueber, George B. Frease, R. A. Cassidy, William R. Day, Joseph Biechele, Henry W. Harter, William A. Lynch, and Thomas T. McCarty; and also Troop A, of Cleveland, Ohio, as an escort, with the Grand Army Band.

The reception committee will be present upon the arrival of the train.

The remains will be borne to the rotunda of the courthouse, where they will lie in state until 9 o'clock p. m. Wednesday. Under the escort of Canton Post, G. A. R., of which the late President was a member, the remains will be borne to the President's late residence, there to lie during Wednesday night.

#### HEADQUARTERS CHIEF MARSHAL.

General Order No. 1.

Having been appointed to be chief marshal by the executive committee, I hereby assume command and appoint Lt. Col. Harry Frease to be chief of staff.

HIRAM DOLL, Chief Marshal.

General Order No. 2.

I hereby appoint the following to be marshals: Col. J. J. Clark, Col. Nathan Holloway, Col. A. E. Hodgdon, Col. Theo. Voges, Maj. A. Vignos, Maj. W. S. Williams, Maj. H. S. Moses; and the following to be aides: Maj. Geo. W. Perrine, Capt. John J. Zaiser, Capt. Ed. Haymaker, Capt. George F. Miller, Capt. N. J. Trodo, Capt. A. P. Owen, Capt. A. V. Smith, Capt. David Fletcher, Capt. Uriah Henry, Aaron F. Bressler, Homer F. Cooper, Dr. Charles Elson, A. Fournace, Alfred Garner, Harry A. Haymaker, John Higgins, W. E. Homer, George O. McKeivey, Fred. Phillipson, Harry J. Planton, Howard Reed, George H. Robinson, Dr. S. Robinson, D. W. Skinner, Dr. Ralph O. Shoup, Robert Sheppard, Samuel W. Smith, Thomas H. St. John, Samuel Thompson, Adam Ullman, Joseph E. Van Nostran, Charles N. Vicary, Harvey W. Zaiser, Capt. Philip Yost, Capt. George Weldman, Capt. Ralph Spotts, Capt. William T. Kuhns, Capt. John W. Winkleman. The marshals and aides will parade mounted; will wear G. A. R. Canton Troop or military uniforms, respectively, and will report for duty at the headquarters at 7 o'clock a. m. on Wednesday. The headquarters of the chief marshal are established in the mayor's room in the city hall.

By command of

HIRAM DOLL, Chief Marshal.

HARRY FREASE, Chief of Staff.

#### HEADQUARTERS CHIEF MARSHAL,

Canton, Ohio, September 18, 1901.

General Order No. 3.

The various divisions will form for the parade at 1:30 p. m., as follows:

The First Division will form in West North Street, right resting on Market Street.

The Ohio National Guard section of the Second Division will form in East North Street, right resting on Market Street.

The carriage section of the Second Division will form in South Market Street, right resting on Tuscarawas Street.

The Third Division will form in Second Street, west of Cleveland Avenue, right resting on Cleveland Avenue.

The Fourth Division will form in Cleveland Avenue, north of North Street, right resting on North Street.

The Knights of Pythias section of the Fifth Division will form in Third Street, west of Cleveland Avenue, right resting on Cleveland Avenue.

The second section of the Fifth Division will form in Fourth Street, west of Cleveland Avenue, right resting on Cleveland Avenue.

The Sixth Division will form in Fifth Street, west of Cleveland Avenue, right resting on Cleveland Avenue.

The Seventh Division will form in Walnut Street, south of North Street, right resting on North Street.

By command of

HIRAM DOLL, Chief Marshal.

HARRY FREASE, Chief of Staff.

#### THE DAY'S PROGRAM

Line of march over which the entire procession will pass—salutes to be fired by Battery A—formation of the funeral cortege

HEADQUARTERS CHIEF MARSHAL,  
Canton, Ohio, September 19, 1901.

General Order No. 4.

The entire funeral procession will pass over the following line of march: North Market Street, from North Street to Tuscarawas Street; thence west on Tuscarawas Street to Lincoln Avenue; thence north to Third Street and west to the cemetery; thence returning through Kentucky Avenue to Tuscarawas Street; east to Dueber Avenue; south to South Street; east to Market Street and north to the public square, where the column will be dismissed.

By command of

HIRAM DOLL, Chief Marshal.

HARRY FREASE, Chief of Staff.

*The salutes*

The salutes will be fired by Battery A, of Cleveland, Captain Blais, as follows: Twenty 1-minute guns as the procession moves to the cemetery; the President's salute of 21 guns after the body is placed in the vault, followed by 3 salvos. The salute will be fired from an elevation in the cemetery.

The following official announcement was made by the executive committee Wednesday evening:

*Order for Thursday*

Assemble at the house at 12:30 m.  
Military escort.  
The President and Cabinet.  
Special honorary bearers.  
Local honorary bearers.  
The remains to be taken from house to the church in the following order.  
Military band.  
Military escort.  
President and Cabinet; Henry W. McFarland, President Board of Commissioners, District of Columbia; Judge Williams, Ohio Supreme Court; Governor Nash and Lieutenant Governor Caldwell, as honorary bearers.  
Local honorary bearers.  
Funeral car.  
Family party.  
Special committee, D. A. R.  
By order of committee.

Mayor J. H. ROBERTSON, *Chairman*.

H. C. KNOBLOCH, *Secretary*.

The chief marshal, Wednesday evening, issued this order, changing a former order:  
The marshal in chief announces the following as the order of obsequies for Thursday, the 19th instant:  
Squad of police.  
Chief marshal and aides.

*First division*

Gen. Eli Torrance, national commander, Grand Army of the Republic, commanding staff.  
Grand Army of the Republic Band.  
E. F. Taggart, department commander, Grand Army of the Republic of Ohio, and staff.  
Canton Post, No. 25, Canton Ohio.  
Buckley Post, No. 12, Akron, Ohio.  
Bell-Harmon Post, No. 36, Warren Ohio.  
C. G. Chamberlain Post, No. 86, East Palestine, Ohio.  
Given Post, No. 133, Wooster, Ohio.  
Other Grand Army posts.  
Union Veteran Legion, Canton Encampment, No. 94.

*Second division*

Maj. Gen. Charles Dick commanding.  
Eighth Regiment Military Band.  
Detachment of Ohio National Guard.  
Troop A, Ohio National Guard, guard of honor.  
President's Regiment.  
President and Cabinet.  
Honorary bearers.  
Officiating clergymen.  
Funeral car.  
Admirals.  
Generals.  
Family.  
Loyal Legion.  
President of Senate and United States Senators.  
Speaker of House of Representatives.  
Governors of States, with staffs.  
Gen. Leonard Wood, Governor of Cuba.  
Louisiana delegation, representing State and United Confederate Veterans.  
Ohio State officials.  
Circuit court judges, State of Ohio.  
Governor McKinley's former staff officers.  
Federal officials of Cleveland.  
Federal officials of Chicago.  
Federal officials of Canton.  
Federal officials of Massillon.  
Board of directors of Pan-American Exposition.  
Board of Cook County officials, Chicago.

*Third division*

Capt. H. S. Moses commanding.  
Gate City Guards, of Atlanta, Ga.  
Cleveland Greys.  
Cleveland Scotts Guards.  
William McKinley Command, Spanish-American War Veterans.  
Sons of Veterans.

*Fourth division*

A. B. Foster, grand commander of Ohio, commanding.  
Thayer Military Band.  
Knights Templars.  
Canton Commandery, No. 38.  
DeMolay Commandery, Louisville, Ky.  
Massillon Commandery, No. 4.  
Toledo Commandery, No. 7.  
Cyrene Commandery, No. 10, Zanesville.

Steubenville Commandery, No. 11.  
Oriental Commandery, No. 12, Cleveland, Ohio.  
Holyrood Commandery, No. 32.  
Forest City Commandery, No. 40.  
Eagle Commandery, No. 29, Painesville, Ohio.  
Shawnee Commandery, No. 14, Lima.  
Hanselman Commandery, No. 16, Cincinnati, Ohio.  
St. John's Commandery, No. 20, Youngstown, Ohio.  
Mansfield Commandery, No. 21.  
Ohio Valley Commandery, No. 24, Pomeroy, Ohio.  
Akron Commandery, No. 25, Akron, Ohio.  
Scioto Commandery, No. 35, Circleville, Ohio.  
Marion Commandery, No. 36, Marion, Ohio.  
Warren Commandery, No. 39, Warren, Ohio.  
Hamilton Commandery, No. 41, Hamilton, Ohio.  
Salem Commandery, No. 42, Salem, Ohio.  
Wooster Commandery, No. 48, Wooster, Ohio.  
Marietta Commandery, No. 50, Marietta, Ohio.  
St. Bernard Commandery, No. 51, Uhrichsville, Ohio.  
Pilgrim Commandery, No. 55, East Liverpool, Ohio.  
Grand Lodge, State of Ohio.  
Eagle Lodge, of Canton.  
Canton Lodge, of Canton, and other masonic lodges.

*Fifth division*

Brig. Gen. Thomas W. Minchule commanding.  
Eighth Regiment Uniformed Rank, Knights of Pythias Band.  
First Battalion, Eighth Regiment, Knights of Pythias:  
1. Ashland.  
2. Mansfield.  
3. Wooster.  
4. Massillon.  
Second Battalion, Eighth Regiment:  
1. Canton.  
2. Mineral City.  
3. Alliance.  
4. East Liverpool.  
5. Steubenville.  
Third Battalion, Eighth Regiment:  
1. Niles.  
2. Warren.  
3. Youngstown.  
4. Salem.  
Fifth Regiment.  
Ohio City Company, No. 48, Martins Ferry, Ohio.  
Second Regiment, Lima Ohio.  
Champion Lodge, Knights of Pythias, Columbus, Ohio.  
Lily Lodge, K. of P.  
Buckeye Lodge, K. of P.  
Canton Lodge, K. of P.  
Independent Order of Odd Fellows.  
Junior Order United American Mechanics.  
Knights of St. John.  
Frankenthal Lodge, No. 1509, K. and L. of H.  
National Croatian Society of the United States.  
Representatives of Sigma, Alpha, and Epsilon Fraternities.

*Sixth division*

Theodore Voges commanding.  
Cleveland Chamber of Commerce.  
Representatives of Americus Club, Pittsburgh.  
Representatives of Union League Club, Chicago.  
Representatives of Lincoln Club, Chicago.  
Representatives of Hamilton Club, Chicago.  
Lincoln Club of New Brighton, Pa.

*Seventh division*

Col. Nathan Holloway commanding.  
Officials and citizens of Niles, Ohio.  
Officials and citizens of Cleveland, Ohio.  
Officials and citizens of Pittsburgh, Pa.  
Officials and citizens of Nashville, Tenn.  
Officials and citizens of Toledo, Ohio.  
Officials and citizens of Massillon, Ohio.  
Officials and citizens of Alliance, Ohio.  
Officials and citizens of Akron, Ohio.  
Officials and citizens of Canton, Ohio.  
County officials of Stark County, Ohio.  
Members of bar, Summit County, Ohio.  
Members of bar, Stark County, Ohio.

In view of the solemn character of the day's proceedings and the large number of people who will be present in joining in paying respect to the memory of our beloved president, the marshal expresses the hope that all the people along the line of march, and others, will cheerfully accord the procession, while moving, the uninterrupted right of travel, and that while the remains are passing the people will remain with uncovered heads, as a token of love and respect to the memory of the illustrious deceased.

By order of

HIRAM DOLL, *Chief Marshal*.

HARRY FREASE, *Chief of Staff*.

The proclamation, the respective announcements, and the general orders, together with a few special orders given verbally or by memorandum to the major general commanding, by the committee, the mayor, or by the chief marshal, constituted the instructions to the division, Ohio National Guard, in the performance of its



special duties while in the city; and the same instructions, with a few minor exceptions, sufficed to properly inform the various organizations which came to participate in the funeral procession.

The marshals appointed in General Orders No. 2 were all members of the Grand Army of the Republic, and were designed to take charge of the divisions not otherwise commanded; and the aides were members of the Canton troop, who served in receiving and escorting the delegations and in organizing and directing the various parades during the political campaign of 1896; together with several former volunteer and National Guard officers.

The Canton troop, under command of Maj. George W. Perrine, covered all incoming trains on Thursday, the 19th inst., by special details, there meeting the visiting organizations and then conducting them to their respective places of rest for the formation of the funeral procession; each division commander and other proper officer being furnished with copies of the general orders attached on the back of the outline of Canton; and to the collective and individual work of these troopers is largely due the success which attended the proper disposition of the numerous organizations participating in the procession.

Capt. Philip Yost, formerly captain, Company I, Eighth O. V. I., and more recently first lieutenant, Forty-seventh U. S. V. I.; Capt. Ralph Spotts, formerly first sergeant, Company I, Eighth O. V. I., and more recently captain and assistant adjutant general, U. S. V.; and Mr. William T. Kuhns, formerly second lieutenant, Company I, Eighth O. N. G., and more recently first lieutenant and adjutant in the same regiment, were specially detailed to assist the chief marshal in the work of organization in the headquarters, and in the formation and conduct of the procession; and to the untiring and efficient services of these officers is largely due the success which attended the movements.

And more than anything else contributing to the success of the entire series of ceremonies was the thoroughly efficient service of the Ohio National Guard, in keeping the necessary spaces and streets absolutely open and free for all the various movements.

On Wednesday, the 18th inst., at 10:30 a. m., the chief marshal and aides, being joined for the occasion by Maj. Gen. Charles Dick and Brig. Gen. William V. McMaken and Brig. Gen. John C. Speaks, with their respective staffs, O. N. G.; the Grand Army Band; Troop A. O. N. G.; and the local honorary pallbearers, in carriages, assembled at the government building, in South Cleveland Avenue, and in the order mentioned proceeded via Tenth Street to the Fort Wayne railroad station to meet the funeral train. At the station the column was counter-marched to the left and halted with Troop A in line, opposite and facing the station, which formation was completed by 11 a. m. A little later the First Infantry, O. N. G., having just arrived in the city, reported at the station to escort the President of the United States, and were assigned to a temporary position on the left of Troop A.

Upon the arrival of the funeral train the intended program was varied, by direction of Col. Theodore A. Bingham, United States Army, who had charge of the funeral party, so that Mrs. McKinley, escorted by a corporal and four troopers, hurriedly detailed upon request by Captain Bunts, and the other members of the family, proceeded at once in carriages to the McKinley residence.

The casket having been placed in the funeral car at about 12:30 p. m., the escort was formed and marched to the courthouse via Tenth, Cherry, and Tuscarawas Streets, in the following order:

Chief marshal and aides; Major General Dick, O. N. G., and staff; Grand Army Band; Troop A; President of the United States, Cabinet and local honorary pallbearers, in carriages; funeral car, with soldier and sailor body bearers, and guard of honor of Army and Navy walking on either side; soldier, sailor, and marine bodyguard walking in rear, and O. N. G. sergeants leading the horses; Senators, Congressman, and other distinguished members of the funeral party, in carriages; and First Regiment, Infantry, O. N. G.

Arriving at the county courthouse, the chief marshal and aides turned north in Market Street, the Grand Army Band and Troop A formed line facing the south front, the funeral party alighted at the southeast corner, and the casket was borne into the central corridor of the building.

At the same time, the First Infantry followed the chief marshal in Market Street, where the column was halted, left resting at the courthouse. The President of the United States, upon reentering his carriage, was then escorted through Market Street to the residence of Mrs. Elizabeth Harter, the rear of the column being covered by four mounted officers of the troops on guard, directed by Lt. Col. C. C. Weybrecht, Eighth Infantry, at which residence the receiving parade was dismissed.

The remains of the late President rested in the courthouse and were there viewed by the citizens, in accordance with the previous announcement, until 6 p. m., when they were removed to the McKinley residence, under escort of Canton Post, No. 25, G. A. R.

On Thursday, the 19th instant, at 12:30 p. m., the chief marshal and aides, Thayer Military Band, and Troop A assembled at the McKinley residence, in North Market Street, and the President of the United States was then escorted there from the Harter residence by the chief marshal and Troop A. The casket having been borne to the funeral car, the procession was formed and proceeded without halting, via Market and Tuscarawas Streets, to the First Methodist Church, in accordance with the previous announcement, arriving there at 1:30 p. m. The escort was there halted, with Troop A in line, opposite and facing the north front of the church, and the band proceeded to its division post. The casket was borne into the church, where the funeral services were held, and the empty carriages moved south in Cleveland Avenue, thence across to

Market Street, where they were formed in column and again approached the church from the east.

The chief marshal and aides proceeded from the church, through Tuscarawas, Market, and Fifth Streets, Cleveland Avenue and North Street, to the right of the First Division at North and Market Streets, receiving en route reports from the commanders of the divisions that the same were respectively formed in accordance with the general orders.

At 2:10 p. m. the funeral procession, headed by a squad of police, the chief marshal and aides, followed by the several divisions, as specified in the previous announcements, started from the corner of North and Market Streets and proceeded over the line of march in accordance with the general orders. The commanding officer of each division was directed when to move by Captain Spotts, the aide detailed for that purpose. The First Division and the military section of the Second Division were halted with the left west of the church, and the part of the Second Division to the rear of the carriage section, and the other divisions were halted with the right east of the church.

At the conclusion of the services in the church, about 2:45 p. m., the casket was borne to the funeral car, and the formation of the middle section of the Second Division was completed. Information to that effect was conveyed to the chief marshal, at the head of the procession, by Maj. Daniel C. Stearns, assistant inspector general, Second Brigade, O. N. G., who, having a specially good mount, kindly volunteered the service, and the march of the procession was resumed to and through the cemetery without further halt.

The funeral car having arrived at the receiving vault in West Lawn Cemetery, the First Division and the military section of the Second Division were halted in line on the right side of South Street and Dueber Avenue, respectively, and Troop A counter-marched and halted in line south of and facing the vault.

At the conclusion of the burial services, about 4 p. m., the President of the United States, escorted by Troop A, and the family and the remainder of the carriage section of the Second Division, proceeded at once over the return line of march, the President returning to the Harter residence, which movement was guided by Captain Yost, the aide detailed for that purpose.

The march of the funeral procession was then resumed, and the same was dismissed at the corner of Market and Tuscarawas Streets, where it was reviewed by the chief marshal and aides. The left of the procession had just cleared this point, going out when the right arrived, coming in at about 5 p. m. By reason of the lateness of the hour and the departure of outgoing trains, some sections of the procession which did not have a military type of organization did not cover the entire line of march, which was probably unavoidable under the circumstances. The movement of the procession around the loop at the cemetery and at the common point at Lincoln and Dueber Avenues and Tuscarawas Street was directed by First Lieutenant Kuhns, the aide detailed for that purpose.

At my request, afterward confirmed by the approval of Major General Dick, Troop A continued in attendance on the President of the United States at the Harter residence, and at 6:30 p. m. escorted him through Market, Tenth, and Cherry Streets to his car on the Fort Wayne Railroad.

After reviewing the procession, the chief marshal dismissed his aides, with his thanks for their efficient services, and, being thus relieved, I reported to the major general commanding at division headquarters at 6 p. m.

I have the honor to be, very respectfully, your obedient servant,  
(Signed) HARRY FREASE,  
Lieutenant Colonel and Chief Commissary of Division,  
Ohio National Guard.

CANTON, OHIO, January 24, 1940.

HON. JAMES SECCOMBE,

House of Representatives, Washington, D. C.

MY DEAR JIM: I was away from home for a few days, hence just received your letter of the 19th.

You pay me quite a compliment in asking me to contribute some sentiment in connection with your remarks to be made on President McKinley's birthday.

I fear I have not the ability to send anything that would be worthy of the occasion, especially as I am not clear as to just what you have in mind. All my talks and writing on McKinley have been personal recollections of incidents and anecdotes, hardly suitable for a birthday sentiment. However, I am sending two suggestions. I am not at all proud of either of them and it will not offend me or hurt my feelings if you decide that neither is suitable.

Thanks for the compliment anyway, and with kindest remembrances, I am,

Sincerely,

WILLIAM T. KUHN.

[Enclosure]

Whether or not the policies upon which William McKinley build his political life would in the complex economy of the world of today be the best policies, there can be no doubt but that in his day and age they were the only policies upon which this country could have reached that high state of industrial and agricultural development which resulted in universal employment of labor and higher standards of living in our country than had ever before been attained in the world. During the years of his political life prosperity was continuous except when there was a departure from his policies, then always with the assurance of the reestablishment of these policies prosperity quickly returned.

When the birthday anniversary of William McKinley approaches there come to those of us who knew him and loved him personal recollections of perhaps unrecorded little incidents. Yet frequently these little, almost forgotten incidents shed much light on some of his outstanding characteristics. As I sit tonight, thinking of this great man, memory carries me back over many years to a time when I was a little boy of 10 or 11 years, and Major McKinley, the name by which we of the then thriving village of Canton, Ohio, knew him, was serving his first term in Congress. I was taken by my father and mother on a camping trip arranged by perhaps a dozen friendly families. The camp was set up on the shore of a beautiful stream near the small village of Waynesburg, Ohio. Each family had one of the tents which were arranged around a hollow square, with a dining tent at one end. Major and Mrs. McKinley were in the party. One evening the band from the nearby village came over to serenade the camp, or, more particularly, no doubt, to serenade Major McKinley. This was a big occasion for the five or six small boys in the party, and it gave us an idea. The next day we had organized a band. One boy with a tin fish horn, another perhaps a whistle, one a dishpan drum, while I remember I played the cymbals, consisting of two pot lids. We started around the tents, stopping to serenade each. When we reached the tent of Major and Mrs. McKinley and before we started our serenade the major stepped out of his tent and greeted us with all the courtesy he could have displayed had he been greeting an important delegation. He explained that he greatly appreciated the serenade we intended to give, but, as Mrs. McKinley had a bad headache and was sleeping, he thought we would perhaps like to go over to the village and buy some candy, for which purpose he gave each of us a nickel.

I was too young then and too much interested in the candy to think much about it, but as I grew up I often thought of this little incident. Could anything have more beautifully demonstrated two of his outstanding characteristics? One his inability to offend anyone, even a troublesome boy; the other, his ever-watchful care of and devotion to his wife, who even then was in failing health.

Mr. BENDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BENDER. Mr. Speaker, I did not know that my colleague the gentleman from Ohio [Mr. SECCOMBE] was going to discuss today the birthday of former President McKinley, but he has reminded me that another Governor of Ohio since McKinley is here today, the present Governor, Hon. John W. Bricker. [Applause.] He will be here for lunch in the dining room downstairs. I hope every Member of the House will avail himself of the opportunity of meeting Governor Bricker. I hope the gentleman from Missouri [Mr. COCHRAN] will do it, as well. Governor Bricker is a fine-looking man, and he is just as good as he looks. [Applause.]

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, nearly every year since I have been a Member of this House I have embraced the opportunity to say a few words on the anniversary of the birth of William McKinley, but today, out of deference to the fact that my colleague the gentleman from Ohio [Mr. SECCOMBE] represents the district formerly represented by William McKinley, I yielded to him. However, I feel that I should take 1 minute to say that while there were many high lights in the life of McKinley, he laid the foundation of all his greatness right here in this Chamber, as a Member of Congress. I have repeatedly stated that he was the greatest of all Congressmen. [Applause.]

THE LATE IRVING P. WANGER

Mr. DITTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DITTER. Mr. Speaker, it is with a sense of profound sadness that I rise at this time to announce the passing of a distinguished Pennsylvanian who during the years gone by represented one of the best districts of Pennsylvania in the House of Representatives. I refer to the late Hon. Irving P. Wanger, who was a Member of the House during

eight consecutive sessions, and who during that time brought honor and credit not only to himself but to the district which he represented.

Irving P. Wanger was born in North Coventry, Chester County, Pa., on March 5, 1852. He attended the public schools and the Hill School in Pottstown. Mr. Wanger was admitted to the bar of Montgomery County December 18, 1875, where he won recognition by his ability and energy.

In 1880 Mr. Wanger was elected district attorney of Montgomery County, in which office he distinguished himself by his painstaking and aggressive conduct of the prosecutor's office.

Mr. Wanger was elected to the Fifty-third Congress and continued to serve as a Member of the House from March 4, 1893, to March 3, 1911. His professional training, his indefatigable energy, and his conscientious regard of public duty won for him the respect and admiration of those who were privileged to serve with him here in the House.

On January 15 of this year Mr. Wanger passed on to his eternal reward. In his passing the State of Pennsylvania has lost one of her distinguished sons, whose record of public service is a challenge and an inspiration.

TENNESSEE VALLEY AUTHORITY

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks in the RECORD and include therein a letter from Mr. L. J. Wilhoite, of Chattanooga, Tenn.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I have asked for this time to bring to the attention of the House and the country the fact that the Gallup Institute of Public Opinion has taken another poll on the constitutional amendment I have proposed, which would allow the people of the United States the right to vote on participation in wars overseas. In announcing the result of this latest poll in yesterday's Sunday newspapers the institute says:

Rank and file sentiment for a people's vote has increased in a marked manner since the outbreak of the European war 5 months ago.

The poll just announced is the fifth the institute of public opinion has taken on this subject. All five polls agree that a majority of the people of our country favor the proposal and desire to see it adopted by Congress and ratified by the States so that this principle of democracy may become a part of our fundamental law and the fathers and mothers, wives and sweethearts of our young men of military age, and our young men themselves may decide whether the flower of American manhood shall be drafted and sent overseas to die on foreign battlefields. This latest poll shows 60 percent of the people favoring the proposition, with a rapidly rising tide of sentiment supporting it.

With national interest in the proposal so strongly indicated, and growing all the while, certainly the time is propitious to bring it up for debate and a vote in the House. In keeping with the marked change of sentiment which the Gallup poll has found in favor of the proposal, some of those who have heretofore opposed it have made known their willingness that the resolution be brought up for careful consideration and full debate, and I think that course would be pleasing to the country at large at this time. I have filed at the Clerk's desk discharge petition No. 4, which is intended to accomplish that purpose. From my wide knowledge of the national interest in the proposal, as evidenced by an enormous correspondence in which every State in the Union is represented, I believe the majority sentiment in every congressional district in the country, without any exception, is for my resolution and in many districts it is over-



whelmingly favorable. So far 49 Members of the House, representing some 12,000,000 American people, have signed discharge petition No. 4. I plead with all of the other Members of the House to go to the Clerk's desk and sign it. Common fairness would dictate that a proposal in which there is such genuine and widespread interest and so much demonstrated merit should not be suppressed in committee but should be allowed its day in the House. It is not American and it is not right to deny consideration of this bill any longer. Let us bring it before the House with the widest latitude of debate and amendment and then let the representatives of the people decide whether they desire that this grand democratic principle shall take its place in the Constitution to complete and round out the Bill of Rights. [Applause.]

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, the gentleman from Ohio [Mr. BENDER] has just stated that this is the birthday of President McKinley. It so happens that I have on my desk at the present time the last address delivered by President McKinley. It was made in Buffalo shortly before he was assassinated.

As you all know, President McKinley was a Member of this body and was at one time chairman of the Committee on Ways and Means. That committee is now considering reciprocal trade agreement legislation.

In this address, President McKinley, one of the great Republicans of this country, without reservations, endorsed reciprocal-trade agreements, and I ask unanimous consent, Mr. Speaker, to include in my remarks the address of President McKinley.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The address follows:

PRESIDENT MCKINLEY'S LAST PUBLIC UTTERANCE TO THE PEOPLE, BUFFALO, N. Y., SEPTEMBER 5, 1901

President Milburn, Director General Buchanan, commissioners, ladies and gentlemen, I am glad to be again in the city of Buffalo and exchange greetings with her people—to whose generous hospitality I am not a stranger and with whose good will I have been repeatedly and signally honored. Today I have additional satisfaction in meeting and giving welcome to the foreign representatives assembled here, whose presence and participation in this exposition have contributed in so marked a degree to its interest and success. To the commissioners of the Dominion of Canada and the British colonies, the French colonies, the republics of Mexico and Central and South America, and the commissioners of Cuba and Puerto Rico, who share with us in this undertaking, we give the hand of fellowship and felicitate with them upon the triumphs of art, science, education, and manufacture which the old has bequeathed to the new century. Expositions are the timekeepers of progress. They record the world's advancement. They stimulate the energy, enterprise, and intellect of the people and quicken human genius. They go into the home. They broaden and brighten the daily life of the people. They open mighty storehouses of information to the student. Every exposition, great or small, has helped to some onward step. Comparison of ideas is always educational and as such instructs the brain and hand of man. Friendly rivalry follows, which is the spur to industrial improvement—the inspiration to useful invention and high endeavor in all departments of human activity. It exacts a study of the wants, comforts, and even the whims of the people and recognizes the efficiency of high quality and new pieces to win their favor. The quest for trade is an incentive to men of business to devise, invent, improve, and economize in the cost of production.

Business life, whether among ourselves or with other people, is ever a sharp struggle for success. It will be nonetheless so in the future. Without competition, we would be clinging to the clumsy antiquated processes of farming and manufacture and the methods of business of long ago, and the twentieth would be no further advanced than the eighteenth century. But, though commercial competitors we are, commercial enemies we must not be.

The Pan-American Exposition has done its work thoroughly, presenting in its exhibits evidences of the highest skill and illustrating the progress of the human family in the Western Hemisphere. This portion of the earth has no cause for humiliation for the part it has performed in the march of civilization. It has not accomplished everything from it. It has simply done its best, and without vanity or boastfulness, and recognizing the manifold achievements of others, it invites the friendly rivalry of all the

powers in the peaceful pursuits of trade and commerce, and will cooperate with all in advancing the highest and best interests of humanity.

The wisdom and energy of all the nations are none too great for the world's work. The success of art, science, industry, and invention is an international asset and a common glory.

After all, how near one to the other is every part of the world. Modern inventions have brought into close relation widely separated peoples and made them better acquainted. Geographic and political divisions will continue to exist, but distances have been effaced. Swift ships and swift trains are becoming cosmopolitan. They invade fields which a few years ago were impenetrable. The world's products are exchanged as never before, and with increasing transportation facilities come increasing knowledge and larger trade. Prices are fixed with mathematical precision by supply and demand. The world's selling prices are regulated by market and crop reports.

We travel greater distances in a shorter space of time and with more ease than was ever dreamed of by the fathers. Isolation is no longer possible or desirable. The same important news is read, though in different languages, the same day in all Christendom. The telegraph keeps us advised of what is occurring everywhere, and the press foreshadows, with more or less accuracy, the plans and purposes of the nations.

Market prices of products and of securities are hourly known in every commercial mart, and the investments of the people extend beyond their own national boundaries into the remotest parts of the earth. Vast transactions are conducted and international exchanges are made by the tick of the cable. Every event of interest is immediately bulletined. The quick gathering and transmission of news, like rapid transit, are of recent origin and are only made possible by the genius of the inventor and the courage of the investor. It took a special messenger of the Government, with every facility known at the time for rapid travel, 19 days to go from the city of Washington to New Orleans with a message to General Jackson that the war with England had ceased and a treaty of peace had been signed. How different now.

We reached General Miles in Puerto Rico by cable, and he was able, through the military telegraph, to stop his army on the firing line with the message that the United States and Spain had signed a protocol suspending hostilities. We knew almost instantly of the first shots fired at Santiago, and the subsequent surrender of the Spanish forces was known at Washington within less than an hour of its consummation. The first ship of Cervera's fleet had hardly emerged from that historic harbor when the fact was flashed to our capital, and the swift destruction that followed was announced immediately through the wonderful medium of telegraphy.

So accustomed are we to safe and easy communication with distant lands that its temporary interruption, even in ordinary times, results in loss and inconvenience. We shall never forget the days of anxious waiting and awful suspense when no information was permitted to be sent from Peking, and the diplomatic representatives of the nations in China, cut off from all communication, inside and outside of the walled capital, were surrounded by an angry and misguided mob that threatened their lives; nor the joy that filled the world when a single message from the Government of the United States brought through our minister the first news of the safety of the besieged diplomats.

At the beginning of the nineteenth century there was not a mile of steam railroad on the globe. Now there are enough miles to make its circuit many times. Then there was not a line of electric telegraph; now we have a vast mileage traversing all lands and seas. God and man have linked the nations together. No nation can longer be indifferent to any other. And as we are brought more and more in touch with each other the less occasion there is for misunderstandings and the stronger the disposition, when we have differences, to adjust them in the court of arbitration, which is the noblest forum for the settlement of international disputes.

My fellow citizens, trade statistics indicate that this country is in a state of unexampled prosperity. The figures are almost appalling. They show that we are utilizing our fields and forests and mines and that we are furnishing profitable employment to the millions of workmen throughout the United States, bringing comfort and happiness to their homes and making it possible to lay by savings for old age and disability. That all the people are participating in this great prosperity is seen in every American community, and shown by the enormous and unprecedented deposits in our savings banks. Our duty is the care and security of these deposits, and their safe investment demands the highest integrity and the best business capacity of those in charge of these depositories of the people's earnings.

We have a vast and intricate business, built up through years of toil and struggle, in which every part of the country has its stake, and will not permit of either neglect or of undue selfishness. No narrow, sordid policy will subserve it. The greatest skill and wisdom on the part of the manufacturers and producers will be required to hold and increase it. Our industrial enterprises which have grown to such great proportions affect the homes and occupations of the people and the welfare of the country. Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial system, that we may be ready for any storm or strain.

By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities, a mutual exchange is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet and we should sell everywhere we can, and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.

The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If perchance some of our tariffs are no longer needed, for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad? Then, too, we have inadequate steamship service. New lines of steamers have already been put in commission between the Pacific coast ports of the United States and those on the western coasts of Mexico and Central and South America. These should be followed up with direct steamship lines between the eastern coast of the United States and South American ports. One of the needs of the times is to direct commercial lines from our vast fields of production to the fields of consumption that we have but barely touched. Next in advantage to having the thing to sell is to have the convenience to carry it to the buyer. We must encourage our merchant marine. We must have more ships. They must be under the American flag, built and manned and owned by Americans. These will not only be profitable in a commercial sense; they will be messengers of peace and amity wherever they go. We must build the Isthmian Canal, which will unite the two oceans and give a straight line of water communication with the western coasts of Central and South America and Mexico. The construction of a Pacific cable cannot be longer postponed.

In the furthering of these objects of national interest and concern you are performing an important part. This exposition would have touched the heart of that American statesman whose mind was ever alert and thought ever constant for a larger commerce and a truer fraternity of the republics of the New World. His broad American spirit is felt and manifested here. He needs no identification to an assemblage of Americans anywhere, for the name of Blaine is inseparably associated with the pan-American movement which finds this practical and substantial expression, and which we all hope will be firmly advanced by the Pan American Congress that assembles this autumn in the capital of Mexico. The good work will go on. It cannot be stopped. These buildings will disappear; this creation of art and beauty and industry will perish from sight, but their influence will remain to—

"Make it live beyond its too short living  
With praises and thanksgiving."

Who can tell the new thoughts that have been awakened, the ambitions fired and the high achievements that will be wrought through this exposition? Gentlemen, let us ever remember that our interest is in concord not conflict and that our real eminence rests in the victories of peace not those of war. We hope that all who are represented here may be moved to higher and nobler effort for their own and the world's good, and that out of this city may come not only greater commerce and trade but, more essential than these, relations of mutual respect, confidence, and friendship which will deepen and endure.

Our earnest prayer is that God will graciously vouchsafe prosperity, happiness, and peace to all our neighbors, and like blessings to all the peoples and powers of earth.

#### EXTENSION OF REMARKS

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein a speech by Judge Matthews.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LECOMPTE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include a letter by the Honorable Lloyd Thurston, who served in this House 14 years, which was published in the Des Moines Register of January 25, and also the editorial comment thereon.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to revise and extend

my remarks and include an editorial by Mr. White upon the life and character of Senator BORAH.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

[Mr. GUYER of Kansas addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. GROSS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, in line with my fight in the Labor Committee to have the fair Wages and Hours Act amended, may I read the following letter received this morning from a cigar maker:

STEWARTSTOWN, PA., January 27, 1940.

HON. CHESTER H. GROSS,  
Washington, D. C.

MY DEAR MR. GROSS: We have a peculiar situation in our small community of which I hope you can help alleviate or advise the best course to follow.

Our local cigar factory employs about 107 persons, making hand-made cigars, almost all of whom are piece workers and under the Wage and Hour Act only about 10 percent are able to make the code rate. The representatives of the N. L. R. B. have been investigating this situation, and I understand have set a dead line of 15 days hence for the employer to either comply with the code or to stop operations. As you are familiar with cigar-making operations in hand-made varieties, I am sure you can easily appreciate this employer's position. If the act is to be strictly enforced, then there is only one thing for him to do and that is to close his shop.

The weekly pay roll averages about \$1,000, which at present is supporting these 107 persons and their dependents. Now, if that pay roll is shut off then their support must come from elsewhere and there are no positions open to this class of labor in the community, so that the only answer is Government support, which will entail that additional expense on the Government.

So far as I can learn the employees are satisfied with their present status and am sure that it is the consensus of opinion in the community that it is far better for the factory to continue at its present wage scale than to be closed entirely.

May I enlist your support in continuing this factory in operation or advise as to proper contact to be made so that the same result will follow, as it is really a serious situation so far as our small community is concerned.

Thanking you for your attention, I am,

Yours respectfully,

ADDIE SHAW,  
Republican Committeewoman.

Mr. LEWIS of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LEWIS of Ohio. Mr. Speaker, I cannot let the statement made by the gentleman from Missouri [Mr. COCHRAN] to the effect that William McKinley, in the last speech he made in his life, at Buffalo, N. Y., endorsed reciprocity, go by without some further explanation of that speech.

The reciprocity that William McKinley endorsed was not the reciprocity of the so-called Reciprocal Trade Agreements Act. It was true reciprocity for which I think you will find every Member on this side of the aisle standing today, just as the Republican Party has always stood for a reciprocity that allows imports from foreign nations to come into this country where they do not destroy jobs and where they consist of such materials or products as are not produced in America or are produced in insufficient quantities for our needs. That is the basis of true reciprocity.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, it is difficult in 1 minute to discuss the views of President McKinley on reciprocal-trade relations. Certainly, President McKinley never said anything or never did anything in his whole life that would



justify anyone now saying that he would support the reciprocal-trade treaties of this administration, based upon the unconditional, most-favored-nation clause that gives to all nations the same advantages and the same benefits that are given to one nation, so that American labor through our agreement to enter into a treaty with Great Britain comes into direct competition with the underpaid labor of Japan where they pay 20 cents a day to skilled labor. The reciprocal-trade agreements suggested by President McKinley were between two nations on a reciprocal basis so they would not bring free American labor into competition with the rest of the world. That is what is ruining the American market today and causing widespread unemployment in the United States. [Applause.]

**CITIZENSHIP AND COMPENSATION OF CERTAIN EMPLOYEES IN PANAMA CANAL ZONE**

Mr. MAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7941) relating to the citizenship and compensation of certain employees on military construction work in the Panama Canal Zone.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DITTER. Mr. Speaker, reserving the right to object, I wonder whether the gentleman from Kentucky [Mr. MAY] will explain just briefly the bill in question and then tell us whether the minority members of the committee have approved the bill.

Mr. MAY. I will be delighted to make this explanation of the bill. It is a bill which will provide that in the letting of contracts by the Chief of Ordnance in the Panama Canal Zone the employment of native labor, American citizens, shall be preferable, and that the Secretary of War may be permitted to require contractors who take contracts for construction work to write into their agreements the prevailing wage scale applicable to expert mechanics and others employed in like work.

The SPEAKER. Is there objection?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That every contract entered into by the Quartermaster Corps of the Army for construction and installation of buildings, flying fields, and appurtenances thereto in the Panama Canal Zone, pursuant to the provisions of the act of June 11, 1938 (Public, No. 590, 75th Cong.), the act of April 26, 1939 (Public, No. 44, 76th Cong.), the act of July 1, 1939 (Public, No. 164, 76th Cong.), and the act of August 9, 1939 (Public, No. 361, 76th Cong.), shall provide (a) that all personnel employed in such work and occupying skilled, technical, clerical, administrative, and supervisory positions shall be citizens of the United States; and (b) that the compensation of such persons shall not be lower than the compensation paid for the same or similar services to employees of the Panama Canal, as shall be predetermined by the Secretary of War.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**TRANSFER OF CERTAIN LAND IN STATE OF TEXAS**

Mr. MAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1820) to provide for the transfer of certain land owned by the United States to the State of Texas, and certain other land to the county of Galveston, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DITTER. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Kentucky to deal the same with this measure as he did the last one?

Mr. MAY. Mr. Speaker, the bill merely provides for the exchange of 2.1 acres of land with the War Department for a like area in another place near the end of the approaches to the Galveston causeway bridge. There is no money involved. The bill has been approved by the Secretary of War, by the Bureau of the Budget, and there was a unanimous report by the House Military Affairs Committee after consideration.

Mr. DITTER. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield.

Mr. DITTER. Does the proposed transfer involve any contingent liability in the future? In other words, have there been improvements made on the land heretofore held by the Government that are not in existence on the land that it is contemplated to take over which will involve additional expense?

Mr. MAY. I understand there are no improvements involved on either tract of land, and that the War Department is merely conveying an easement on a vacant tract of land in lieu of another tract, and that the easement is subject to forfeiture and use by the War Department in case of a national emergency.

Mr. DITTER. Do I understand that the minority Members knew of the request that the gentleman has made and approve of his act?

Mr. MAY. It was brought up in the entire committee, and there is no objection, as far as I know.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is authorized and directed to convey to the State of Texas, all right, title, and interest of the United States in and to all of that certain tract or parcel of land out of lot 525, section 1, Trimble and Lindsey Survey, Galveston Island, Tex., described as follows:

Beginning at the southwest corner of said lot 525 as established by United States Engineers for the southwest corner of a two and one-tenth acre tract owned by the United States of America and described in book 329, page 628, deed records, Galveston County, Tex.; thence north twenty-five degrees eleven minutes west along the westerly line of said two and one-tenth acre tract one hundred and sixty-five feet to the northwest corner of said two and one-tenth acre tract two hundred and forty-one and nine-tenths minutes east along the northerly line of said two and one-tenth acre tract two hundred and forty-one and nine-tenths feet to a point in a right angle jog in the northerly right-of-way line of the State highway leading to the new causeway across Galveston Bay, as said State highway is shown on plat of record in the office of the county clerk, Galveston County, Tex., to which plat reference is hereby made; thence south twenty-nine degrees two minutes west perpendicular to said center line of proposed State highway thirty-two and six-tenths feet to a point two hundred feet perpendicularly distant northerly from said center line of proposed State highway; thence south sixty degrees fifty-eight minutes east parallel to said center line one hundred and eighty feet to the southerly line of said two and one-tenth acre tract; thence south sixty-four degrees forty-nine minutes west along the southerly line of said two and one-tenth acre tract three hundred and twenty feet to the place of beginning, contains nine hundred and ninety-six one-thousandths acre.

It is the intention in the above description to include all of that portion of said two and one-tenth acre tract owned by the United States of America that is within the limits of the right-of-way of said State highway.

SEC. 2. The Secretary of War is authorized and directed to convey to the county of Galveston, Tex., all the right, title, and interest of the United States in and to all of that certain tract or parcel of land out of lot 525, section 1, Trimble and Lindsey Survey, Galveston Island, Tex., described as follows:

Beginning at the intersection of the northerly right-of-way line of the State highway leading to the new causeway across Galveston Bay, as said State highway is shown on map of record in the office of the county clerk, Galveston County, Tex., with the southerly line of the United States of America two and one-tenth acre tract of land on Galveston Island, Tex., and described in book 329, pages 628 and 629, deed records, Galveston County, Tex.; thence from said beginning point north sixty degrees fifty-eight minutes west along said State highway northerly right-of-way line one hundred and eighty feet to a right angle jog to the right in said right-of-way line; thence north twenty-nine degrees two minutes east thirty-two and six-tenths feet to the northerly line of said United States of America two and one-tenth acre tract; thence north sixty-four degrees forty-nine minutes east two hundred and fifty-three and eight-tenths feet, more or less, to the southerly right-of-way line of the old State Highway No. 6, formerly a county road; thence south sixty degrees fifty-eight minutes east two hundred and three and four-tenths feet along said southerly right-of-way of the old State Highway No. 6 to the said southerly line of the United States of America two and one-tenth acre tract; and thence south sixty-four degrees forty-nine minutes west along said southerly line of two and one-tenth acre tract two hundred and eighty-two and two-tenths feet, more or less, to the place of beginning. Contains one and one hundred and four one-thousandths acres.

SEC. 3. The grantee in each case shall bear any expense (other than for the preparation of the deeds) necessary to carry out the provisions of this act, but shall not be required to pay any consideration for the right, title, and interest conveyed: *Provided*, That the Secretary of War is authorized to make such deviations in the description of the lands above described as may be necessary to carry out the purpose and intent of this act.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### EQUALIZATION OF SALARIES OF LETTER CARRIERS

Mr. BURCH. Mr. Speaker, I call up the conference report on the bill (H. R. 2001) for the equalization of letter carriers. The Clerk read the conference report.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2001) for the equalization of salaries of letter carriers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the sums proposed to be inserted by said amendment insert the following: "\$1,200 to \$1,440"; and the Senate agree to the same.

T. G. BURCH,  
ALBERT E. AUSTIN,  
WM. W. BLACKNEY,  
B. F. WHELCHER,  
*Managers on the part of the House.*  
KENNETH MCKELLAR,  
CARL HAYDEN,  
LYNN J. FRAZIER,  
*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2001) for the equalization of salaries of letter carriers submit the following statement in explanation of the effect on the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill H. R. 2001, as passed by the House, provided that the pay of carriers in the village-delivery service beginning the first day of the month following approval of the act would be from \$1,300 to \$1,500 per annum. The Senate amendment struck out the figures and inserted in lieu thereof the figures \$1,200 to \$1,400. The House conferees agree to recede from the House provision with an amendment which provides that in lieu of the sums proposed in the Senate amendment there be inserted the figures \$1,200 to \$1,440.

T. G. BURCH,  
ALBERT E. AUSTIN,  
WM. W. BLACKNEY,  
B. F. WHELCHER,  
*Managers on the part of the House.*

Mr. BURCH. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that on Wednesday, February 7, after the disposition of matters on the Speaker's table and the conclusion of the legislative program, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### OMNIBUS PRIVATE CLAIMS

The SPEAKER. Under the special order of the House heretofore made, the pending order of business is consideration of omnibus claims bills.

The Chair thinks it is proper to state that this bill was taken up in the regular session of the Congress and the bill had been read on May 25 down to title XIV. The Clerk will therefore report title XIV of the bill H. R. 6261.

J. D. WARLICK

The Clerk read as follows:

Title XIV—(H. R. 3784. For the relief of the estate of J. D. Warlick.)  
By Mr. PATRICK

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to J. H. Warlick, of Birmingham, Ala., as administrator of the estate of J. D. Warlick, late of Ocala, Fla., the sum of \$5,000 in full satisfaction of all claims of such estate against the United States for the death of said J. D. Warlick, who was struck and killed by a Civilian Conservation Corps ambulance about 6 miles from Ocala, Fla., on June 11, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or

delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 17, beginning in line 17, after the word "Treasury", strike the remainder of line 17, all of line 18, and the words "Conservation Corps" in line 19, and insert "not otherwise appropriated."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 17, line 14, at the beginning of the title, strike out all of title XIV.

Mr. COSTELLO. Mr. Speaker, my purpose in offering this amendment is to strike out all of title XIV which appears in this omnibus bill.

The facts that give rise to this claim are that in the State of Florida an accident occurred between an ambulance belonging to the Civilian Conservation Corps and a truck driven by the late J. H. Warlick. Mr. Warlick was killed in the accident, and as a result this bill provides for the payment of \$5,000 to his estate.

It appears that just prior to the accident Mr. Warlick had his truck parked on the right-hand side of the highway. He proceeded down the highway a few feet and apparently backed into a driveway with the idea of making a turn onto the highway to proceed in the opposite direction. While he was backed into the driveway the C. C. C. ambulance appeared at the top of a grade, coming around a curve. Observing this truck parked to one side, with the front end jutting over the highway about 2 feet, the C. C. C. ambulance proceeded somewhat to the left in an effort to get around the truck.

At that time Mr. Warlick drove his truck further on to the highway. The driver of the C. C. C. ambulance sounded the horn and he proceeded further to the left. The statements of various witnesses are very much in conflict regarding the details and the facts concerning this particular case, but those appear to be the circumstances that led up to the accident. The ambulance apparently was going at a fairly fast rate of speed. The highway was otherwise clear, and in spite of the fact that the driver of the ambulance sounded the horn, Mr. Warlick, nevertheless, proceeded further into the highway. As a result of that the ambulance drove as far to the left as it was possible. The accident was unavoidable then. As a result of the injury sustained in the accident Mr. Warlick died.

It appears to me, in view of all the circumstances as they appear, that the driver of the ambulance was in no way at fault unless it be possibly the rate of speed at which he was traveling. Mr. Warlick had a clear view of the highway, and the driver of the ambulance having sounded his horn, Mr. Warlick should not have made an effort to enter into the highway, particularly to make a turn, unless he had a very clear, unobstructed view all the way along the highway and knew that he could do so with absolute safety. Apparently this was not the fact. Having entered the highway at a time when it was not safe to do so, it seems to me that the blame for causing this accident rests entirely upon his shoulders.

The War Department has submitted a very full report in opposition to the bill.

The statements of the various witnesses are quite in conflict. It is very difficult to ascertain the exact details regarding the accident, but in view of the fact that the C. C. C. driver was not held on any charge of manslaughter, it seems that the civil authorities in Florida felt that he was not responsible for the accident. I feel, therefore, the views of the War Department should be sustained and this title stricken from the bill.

Mr. PATRICK. Mr. Speaker, it is impossible to cover this case in 5 minutes. The gentleman from California [Mr. COSTELLO] unfortunately has followed but one witness.



There were a number of witnesses, and only that one witness is in any degree seriously in conflict with the others.

This man Warlick was among strangers in Florida. Now I can briefly run over the measurements. He had turned his vehicle around and the truck was practically standing still. Some of the evidence is that at the time it was struck it was standing still. From the place where it was struck there was a clear view in front of this ambulance of 540 feet; in other words, the ambulance driver at the time he first ought to have seen the truck had a clear view straight down the highway of 540 feet, and the hard-surfaced road was 19 feet 1 inch wide. These are actual measurements than cannot be disputed. From shoulder to shoulder the road was 36 feet wide. The truck was hurled a distance of 70 feet by the impact, and after striking the truck the ambulance traveled 70 feet. The wheel of the truck struck the truck of deceased 6 inches from the right-hand side of the road, just 6 inches from the right-hand side of the road. There was no excuse in the world for his being over there. These measurements were made on the 14th of June, only a few days after the accident. The accident occurred on June 11. There is no dispute as to that.

There was nobody there to pursue the manslaughter charge. There was a relationship between those who saw it and the man to be prosecuted. The case was brought up in court but there was nobody to properly appear, no way in the world for Warlick's people to effectively prosecute the case. They perhaps had no intention of doing so, it may be they did not want to pursue a manslaughter charge, yet it was brought; but there was nobody there to adequately prosecute it, and the driver was acquitted.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield.

Mr. EBERHARTER. Do I understand the gentleman to say that the Government ambulance was on the wrong side of the road when the accident occurred?

Mr. PATRICK. Yes; and not only that, but was 6 inches from the edge of the side of the road on which side he ought not to have been on at all.

Mr. EBERHARTER. How fast was the ambulance going?

Mr. PATRICK. There is a conflict of testimony as to the speed of the ambulance, but all agreed that it was going very fast. It was going at a tremendous rate of speed, such a great rate of speed that the impact knocked the truck 70 feet and the ambulance ran 70 feet after striking the truck. It seems, therefore, that there is nothing here showing any negligence on the part of the truck driver. I do not see a thing in the summing up of the entire testimony, a thing in the world, that does not justify the payment of this claim.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield.

Mr. KENNEDY of Maryland. The evidence also shows that the ambulance was not on any official business at the time of the accident.

Mr. PATRICK. That is right. I did not get to that. The ambulance had no business out, and the driver was not on any official business at the time of the accident at all.

Mr. KENNEDY of Maryland. The point I wanted to bring to the gentleman's attention is that the ambulance was not on official emergency duty in its capacity as an ambulance and there was no necessity at all for the excessive speed at which it was traveling. If on official duty as an ambulance, there probably would have been an emergency existing, which might have justified the speed.

Mr. PATRICK. That is right.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield.

Mr. COSTELLO. And they state that the ambulance was not on official business. If that be the case, I believe that still further removes the Government from any liability in the accident. If there is liability, it rests only on the truck driver.

Mr. PATRICK. We cannot get off on that argument, the argument that because the ambulance was not going after a case therefore the Government was not responsible. Of

course, it was being properly used at the time and place by the Government as a Government ambulance, but it was not at that moment going after anyone who had been hurt.

Mr. KENNEDY of Maryland. In other words, there was no emergency existing?

Mr. PATRICK. There was no emergency existing there.

Mr. HANCOCK. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from New York.

Mr. HANCOCK. Does not the evidence show that Mr. Warlick was endeavoring to turn around immediately in the path of the oncoming ambulance, and in an effort to avoid hitting Mr. Warlick the ambulance got over on the wrong side of the road?

Mr. PATRICK. No; there is no evidence of that, and that is the reason I mentioned it. The driver of the ambulance had all the room he needed.

Mr. COSTELLO. If the gentleman will look at the committee report on page 5, he will find the testimony of Mr. Ted Taylor, who stated that he had just left Mr. Warlick at Highway and had come back and sat on front porch:

Mr. Warlick's truck was parked on right side of road going east and upon starting drove down road to our driveway and turned across road to turn around. He backed out and had faced west and straightened out on the right-hand side of road when Civilian Conservation Corps ambulance came down road at high rate of speed and ran in front of Mr. Warlick's truck on left side of road to ambulance—right side to truck.

Mr. PATRICK. Yes.

Mr. COSTELLO. In other words, he was turning around at the time the accident took place and in doing so he pulled out into the highway, which caused the C. C. C. ambulance to go on the wrong side of the road. The accident was due to the fact that Mr. Warlick was making a turn and in doing so he turned in front of the C. C. C. ambulance.

Mr. PATRICK. The evidence shows he had already turned around and was on his side of the road, a road 36 feet wide. That is the reason I stated, Mr. Speaker, the ambulance driver had a clear view of 540 feet ahead of him, yet he drove right onto the old man and killed him.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The question was taken; and on a division (demanded by Mr. COSTELLO) there were—yeas 22, nays 46.

Mr. HOFFMAN. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seven Members are present; not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 94, nays 208, not voting 121, as follows:

[Roll No. 11]

YEAS—94

Allen, Ill.	Elston	Keefe	Schiffler
Andersen, H. Carl	Engel	Kinzer	Seecombe
Andrews	Paddis	Lewis, Colo.	Shafer, Mich.
Arends	Ford, Miss.	Lewis, Ohio	Simpson
Austin	Gamble	Luce	Smith, Ohio
Bates, Mass.	Gerlach	McDowell	Springer
Bender	Gifford	McLeod	Sumner, Ill.
Blackney	Gillie	Marshall	Taber
Brewster	Graham	Martin, Iowa	Talle
Carter	Gross	Mason	Terry
Chiperfield	Gwynne	May	Tibbott
Clason	Hall, Edwin A.	Michener	Tinkham
Cochran	Halleck	Mitchell	Treadway
Coffee, Nebr.	Hancock	Monkiewicz	Vorys, Ohio
Cole, N. Y.	Harness	Moser	Wadsworth
Collins	Hawks	Murray	Wheat
Costello	Hess	Norrell	White, Ohio
Crawford	Hoffman	Pearson	Whittington
Crowther	Jenkins, Ohio	Polk	Wigglesworth
Dirksen	Johnson, Ill.	Powers	Wolcott
Ditter	Johnson, Ind.	Reed, N. Y.	Wolfenden, Pa.
Dondero	Johnson, W. Va.	Rich	Woodrum, Va.
Doxey	Jones, Tex.	Rodgers, Pa.	
Dworshak	Kean	Sandager	

NAYS—208

Allen, Pa.	Ball	Bland	Burch
Anderson, Calif.	Barnes	Bolles	Burdick
Andresen, A. H.	Barry	Brooks	Burgin
Angell	Bates, Ky.	Brown, Ga.	Byrne, N. Y.
Arnold	Beckworth	Bryson	Byrns, Tenn.

Caldwell	Gehrmann	Leavy	Routzohn
Camp	Gibbs	LeCompte	Rutherford
Cannon, Mo.	Gore	Lesinski	Ryan
Case, S. Dak.	Gossett	Ludlow	Sacks
Church	Grant, Ala.	McAndrews	Sasser
Claypool	Gregory	McCormack	Schaefer, Ill.
Coffee, Wash.	Guyer, Kans.	McGehee	Schaefer, Wis.
Cole, Md.	Hall, Leonard W.	McKeough	Schuetz
Connery	Harrington	McMillan, Clara G.	Scrugham
Cooley	Hart	McMillan, John L.	Secrest
Cooper	Harter, N. Y.	Maas	Shannon
Courtney	Harter, Ohio	Mahon	Sheppard
Cox	Havenner	Maloney	Smith, Conn.
Cravens	Healey	Martin, Ill.	Smith, Ill.
Creal	Hendricks	Massingale	Smith, Wash.
Crosser	Hennings	Miller	Smith, W. Va.
Crowe	Hill	Mills, Ark.	Snyder
Culkin	Hinslaw	Mills, La.	South
Cullen	Hobbs	Monroney	Sparkman
Curtis	Holmes	Mott	Starnes, Ala.
D'Alessandro	Hook	Mundt	Stefan
Darden	Hope	Murdock, Ariz.	Summers, Tex.
Delaney	Horton	Nelson	Sumpter
Dempsey	Houston	Nichols	Sweeney
Dingell	Hull	Norton	Tarver
Disney	Hunter	O'Brien	Tenerowicz
Doughton	Izac	O'Connor	Thill
Duncan	Jarman	O'Day	Thomas, Tex.
Dunn	Jenks, N. H.	O'Leary	Thomason
Durham	Jennings	O'Neal	Thorkelson
Eaton	Jensen	Patrick	Tolan
Eberharter	Johns	Patton	Van Zandt
Edmiston	Johnson, Luther	Peterson, Ga.	Vincent, Ky.
Ellis	Johnson, Okla.	Pierce	Vinson, Ga.
Evans	Kee	Plumley	Voorhis, Calif.
Fenton	Kefauver	Poage	Vreeland
Ferguson	Kennedy, Md.	Rabaut	Wallgren
Fish	Keogh	Ramspeck	Walter
Fitzpatrick	Kerr	Rankin	Warren
Flaherty	Kilday	Reed, Ill.	Weaver
Flannagan	Kirwan	Richards	Welch
Ford, Thomas F.	Kitchens	Risk	West
Fries	Kieberg	Robertson	Whelchel
Garrett	Knutson	Robison, Ky.	Williams, Mo.
Gartner	Kocalkowski	Rockefeller	Winter
Gathings	Kunkel	Rogers, Mass.	Wood
Gearhart	Larrabee	Rogers, Okla.	Woodruff, Mich.

## NOT VOTING—121

Alexander	Cummings	Kennedy, Martin	Rayburn
Allen, La.	Darrow	Kennedy, Michael	Reece, Tenn.
Anderson, Mo.	DeRouen	Kramer	Rees, Kans.
Barden	Dickstein	Lambertson	Robinson, Utah
Barton	Dies	Landis	Romjue
Beam	Douglas	Lanham	Sabath
Bell	Dowell	Lea	Satterfield
Bloom	Drewry	Lemke	Schulte
Boehne	Elliott	McArdle	Schwert
Boland	Englebright	McGranery	Seger
Boren	Fay	McLaughlin	Shanley
Boykin	Fernandez	McLean	Sheridan
Bradley, Mich.	Flannery	Maclejewski	Short
Bradley, Pa.	Folger	Magnuson	Smith, Maine
Brown, Ohio	Ford, Leland M.	Mansfield	Smith, Va.
Buck	Fulmer	Marcantonio	Somers, N. Y.
Buckler, Minn.	Gavagan	Martin, Mass.	Spence
Buckley, N. Y.	Geyer, Calif.	Merritt	Steagall
Bulwinkle	Gilchrist	Mouton	Stearns, N. H.
Byron	Grant, Ind.	Murdock, Utah	Sullivan
Cannon, Fla.	Green	Myers	Taylor
Carlson	Griffith	Oliver	Thomas, N. J.
Cartwright	Hare	Osmers	White, Idaho
Casey, Mass.	Hartley	O'Toole	Williams, Del.
Celler	Jacobsen	Pace	Wolverton, N. J.
Chapman	Jarrett	Parsons	Youngdahl
Clark	Jeffries	Patman	Zimmerman
Clevenger	Johnson, Lyndon	Peterson, Fla.	
Cluett	Keller	Pfeifer	
Colmer	Kelly	Pittenger	
Corbett		Randolph	

So the motion was rejected.

The Clerk announced the following pairs:  
General pairs:

Mr. Rayburn with Mr. Martin of Massachusetts.  
Mr. Boland with Mr. Alexander.  
Mr. Green with Mr. Youngdahl.  
Mr. Patman with Mr. Smith of Maine.  
Mr. Lanham with Mr. Carlson.  
Mr. Bulwinkle with Mr. Barton.  
Mr. Peterson of Florida with Mr. Leland M. Ford.  
Mr. Fulmer with Mr. Englebright.  
Mr. Mansfield with Mr. Pittenger.  
Mr. Mouton with Mr. Seger.  
Mr. Drewry with Mr. Corbett.  
Mr. Colmer with Mr. Wolverton of New Jersey.  
Mr. Sullivan with Mr. Bradley of Michigan.  
Mr. Fernandez with Mr. Short.  
Mr. Satterfield with Mr. Douglas.  
Mr. DeRouen with Mr. Williams of Delaware.  
Mr. Smith of Virginia with Mr. Darrow.  
Mr. Clark with Mr. Stearns of New Hampshire.  
Mr. Parsons with Mr. Hartley.

Mr. Allen of Louisiana with Mr. Lambertson.  
Mr. Beam with Mr. Dowell.  
Mr. Gavagan with Mr. Lemke.  
Mr. Lyndon B. Johnson with Mr. Osmers.  
Mr. Dies with Mr. Jones of Ohio.  
Mr. Cartwright with Mr. Grant of Indiana.  
Mr. Kelly with Mr. Gilchrist.  
Mr. Hare with Mr. Cluett.  
Mr. Pfeiffer with Mr. Maciejewski.  
Mr. Pace with Mr. Reece of Tennessee.  
Mr. Steagall with Mr. Jarrett.  
Mr. Lea with Mr. Clevenger.  
Mr. Boykin with Mr. Brown of Ohio.  
Mr. Griffith with Mr. Buckler of Minnesota.  
Mr. Flannery with Mr. McLaughlin.  
Mr. Keller with Mr. Bradley of Pennsylvania.  
Mr. McArdle with Mr. Geyer of California.  
Mr. McGranery with Mr. Romjue.  
Mr. Chapman with Mr. Sheridan.  
Mr. Sabath with Mr. Celler.  
Mr. Robinson of Utah with Mr. Schwert.  
Mr. Dickstein with Mr. Magnuson.  
Mr. Schulte with Mr. Byron.  
Mr. O'Toole with Mr. Jacobsen.  
Mr. Bloom with Mr. Ward.  
Mr. Murdock of Utah with Mr. Michael J. Kennedy.  
Mr. Somers of New York with Mr. Shanley.  
Mr. Boehne with Mr. Casey of Massachusetts.  
Mr. Fay with Mr. Folger.  
Mr. Boren with Mr. Kramer.  
Mr. Buckley of New York with Mr. Spence.  
Mr. Taylor with Mr. Anderson of Missouri.  
Mr. Martin J. Kennedy with Mr. Elliott.  
Mr. Zimmerman with Mr. Merritt.  
Mr. Myers with Mr. White of Idaho.  
Mr. Buck with Mr. Bell.

The result of the vote was announced as above recorded.  
The doors were opened.

## EXTENSION OF REMARKS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting an address delivered by Hon. MELVIN J. MAAS at a town hall meeting in New York City.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## OMNIBUS CLAIMS BILLS

The Clerk read as follows:

Title XV—(H. R. 3887. For the relief of Capt. Walter L. Shearman.)  
By Mr. GARTNER

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Walter L. Shearman, United States Army, retired, the sum of \$890.49, in full settlement of all claims against the Government of the United States for a shortage in public funds due to irregularities in the accounts of a noncommissioned officer, now deceased, which officer was in charge of the commissary, Fort Schuyler, N. Y., February 1 to October 13, 1931, and for which shortage Captain Shearman has accounted to the United States Government: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 18, line 22, after "Provided", strike out the remainder of the paragraph and insert the following: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: On page 18, beginning in line 10, strike out all of title XV.

Mr. HANCOCK. Mr. Speaker, this bill was introduced to reimburse Captain Shearman, retired Army officer, in the sum of \$890.49, which was charged against him because of



shortages in his accounts when he was in charge of the commissary at Fort Schuyler, N. Y., in 1931.

Careful investigation was made by a board of officers, and the shortages were found to be due to carelessness and neglect on the part of Captain Shearman. Apparently he was given his option of paying the shortages or submitting to court martial. He chose to pay the shortage, and so \$25 a month was deducted from his salary until the full amount had been paid back to the Government.

I find in the report an official letter addressed to Captain Shearman by Major General Nolan, commanding the Second Corps Area, reading as follows:

Recent investigation has convinced the corps area commander that while commissary and accountable officer at Fort Schuyler, N. Y., you neglected to supervise carefully the administration of the commissary, and that you signed numerous certificates on the receiving reports without verifying the statements contained in such certificates.

It is proposed to impose punishment under the one hundred and fourth article of war unless trial by court martial is demanded.

Apparently trial by court martial was not demanded, and the officer chose to make good the default or the fraud, or whatever the cause of the loss was.

The facts, after a careful and thorough investigation by the inspector general's department, are summarized in the report by the Secretary of War in these few paragraphs, which I believe tell the whole story adequately. Secretary of War Dern reports as follows:

A thorough survey of this case reveals that repeatedly Captain Shearman was made aware that conditions in the commissary were not satisfactory. Errors were revealed to him, shortages were brought to light, and the question of the reliability of his chief assistant, Sergeant Graff, was officially brought to his attention. Improper, unbusinesslike, and unsafe methods and practices not in accord with the regulations, which should have been detected by proper supervision, were revealed by the investigation. When given timely warning of irregularities Captain Shearman did not take definite steps to determine their cause or to prevent recurrence. Finally, it was determined that relatively large losses to the Government occurred when the finance officer made payments for supplies presumably received by the commissary from local dealers, on approved receiving reports signed by Captain Shearman, which supplies have never been accounted for or located.

For your information a copy of the report of this case, prepared by the Inspector General of the Army, is enclosed herewith.

Prior to taking final action in this case the War Department gave careful consideration to all phases of it. As a result of this consideration the recommendation of the Inspector General, to assess the entire loss to Captain Shearman, was approved. Accordingly, up to June 1935, \$525 of the total of \$890.49 has been repaid to the United States by a stoppage of \$25 per month against the pay of Captain Shearman.

In view of the final opinion arrived at in this case, that the unbusinesslike administration of the commissary by Captain Shearman contributed directly to the loss in question, the War Department does not recommend the enactment of the bill.

The defense of Captain Shearman is that he had too many duties to perform and that therefore he could not perform properly his duty as officer in charge of the commissary. I notice the favorable report of the committee is based pretty largely on the fact that Captain Shearman acted as post quartermaster, subsistence officer, police and prison officer, salvage officer, utilities officer, fire marshal, summary court officer, transportation officer, and agent finance officer.

This sounds like a very formidable list of duties, but we who have served in the Army know that actually, many of these duties do not involve much time. I, myself, have been a summary court officer, and I believe my duties did not consume an hour a month. The post of transportation officer when a military outfit is in camp involves no duties and takes no time. I should think the duty of fire marshal would involve practically no expenditure of time or effort after the officer once perfected his organization.

The only question is whether this Congress wishes to sustain the Army in its effort to safeguard the accounts of the United States. There is no attempt to punish this man. He has been found guilty of neglect of duty. He failed to correct defects after they were called to his attention, and he was rightfully assessed the amount of the shortage, \$890.49.

[Here the gavel fell.]

Mr. RUTHERFORD. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this matter came before the Committee on Claims and after careful consideration received its approval. I shall read from the report of the committee, which gives sufficient reasons, to my mind, why the position of the Committee on Claims should be sustained. The report states:

The War Department, having made Captain Shearman account for the shortage involved, is naturally against his being reimbursed. After careful consideration, however, your committee feels that the claimant has been held accountable for something beyond his control, and should be reimbursed.

The commissary was in charge of Technical Sgt. Harry W. Graff, and in view of the fact that Captain Shearman was assigned the following duties—post quartermaster, subsistence officer, police and prison officer, salvage officer, utilities officer, fire marshal, summary court officer, transportation officer (rail and motor), agent finance officer—it seems that there is no doubt that he was overtaxed and could not possibly personally check each man's activities.

The captain did not take any of this money. He was overseer of the whole operation. The sergeant who took the money or misappropriated the funds, had been a sergeant for a number of years and had held responsible positions under the Government and was working under the captain. If the Government's position is to be sustained, then it would have been necessary for Captain Shearman to be in the supply department every day checking every account and receipting for every account that came before that operation. He had a sergeant to do that, a man who had stood the test of time and of whom he had received excellent reports and who had had an excellent character record up until this time. Naturally, having a man of that type he relied upon him. After having relied upon him, he found out, after the sergeant died, that these discrepancies had taken place. In view of the fact that the Government was going to charge them to his account or cashier him, naturally, the man would pay up rather than be cashiered.

As I have stated, the Committee on Claims has given this matter careful consideration, and after hearing all the witnesses, believes that the captain should be reimbursed, and I submit that the Congress should sustain the committee in its findings.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. RUTHERFORD. I yield.

Mr. KENNEDY of Maryland. I call attention to the fact that on page 117 of the report it is shown that in March 1931, recommendations were made that the captain be relieved of some of the various duties that he had to perform.

Mr. RUTHERFORD. That is correct.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. RUTHERFORD. I yield.

Mr. HANCOCK. Is it not true that Captain Shearman had been warned of the irregularities of Sergeant Graff and that he failed to take any action toward removing him?

Mr. RUTHERFORD. I do not think the evidence sustains that position at all.

Mr. HANCOCK. That is in the report of the inspector made to Captain Shearman along in February of the year that the defalcations took place, and Captain Shearman took no action.

Mr. RUTHERFORD. Would the gentleman expect that the captain should stay there in the supply department every day and check over all the meat lists and other orders, and so forth, coming in?

Mr. HANCOCK. No; but when he was warned that he had an incompetent sergeant in charge, he should have done something about it.

Mr. COFFEE of Washington. Mr. Speaker, will the gentleman yield?

Mr. RUTHERFORD. I yield to the gentleman from Washington.

Mr. COFFEE of Washington. As a matter of fact, the report shows that the captain was advised of the excellent reputation of the technical sergeant in a report submitted to him. Is not that correct?

Mr. RUTHERFORD. That is correct, and that is why he kept him in that position.

[Here the gavel fell.]

The SPEAKER pro tempore (Mr. COOPER). The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected. The Clerk read as follows:

Title XVI—(H. R. 4031. To confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim or claims of the Recording and Computing Machines Co., of Dayton, Ohio.) By Mr. RUTZORN

That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim or claims of the Recording and Computing Machines Co., of Dayton, Ohio, arising out of a series of transactions, contracts, and provisional adjustments between said Recording and Computing Machines Co., of Dayton, Ohio, and the War Department for the manufacture of ordnance materials, equipment, instruments, and so forth, between the years 1916 and 1920, inclusive.

Sec. 2. Suit upon such claim may be instituted at any time within 1 year after the date of enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon shall be in the same manner as in the case of claims over which said court has jurisdiction under section 145 of the Judicial Code, as amended.

With the following committee amendment:

On page 20, line 6, after the word "inclusive", insert "and suit on such claims shall be instituted within 1 year from the date of approval of this act"; and strike out all of section 2 from lines 9 to 16, inclusive.

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Beginning on page 19, line 18, strike out all of title XVI.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. COSTELLO. Mr. Speaker, this amendment would strike out this title, which provides that the Recording and Computing Machines Co., of Dayton, Ohio, may be entitled to go to the Court of Claims and press an action which they contend they have against the War Department.

During the World War the Army entered into approximately 20 contracts with claimant company for the manufacture of various munitions on a fixed-price basis. In August of 1918, due to lack of capital, it became apparent that the claimant company could not perform, and so because of the big need for munitions, the Government entered into new contracts with the claimant, which provided, among other things, that all then uncompleted articles were to be paid for on a cost-plus 10 percent basis, and that there would be no amortization or depreciation charged against the Government. Subsequent to November 11, 1918, the Government entered into a final settlement contract, whereby the claimant company was awarded \$3,751,682.75 in full settlement of all contracts. This agreement was formally accepted by the claimant company. However, against this allowance the War Department deducted \$3,747,203.12, which made the net payment to claimant \$4,479.63, in full settlement of all claims between this company and the Government.

A reaudit by the War Department was made in 1923 and 1924, which disclosed that in the final settlement the depreciation provision of the original contract had been disregarded, and the claimant company had actually been overpaid approximately \$300,000. However, the Attorney General did not press this claim, in view of the fact that the claimant company was in receivership and apparently had assets of only approximately \$13. Altogether the War Department did business with this concern to the extent of \$9,000,000 during the war. The Government, under the contract, was entitled to have supervision of the plant and its operations. Claimant is now contending that the Government took over the entire plant and that the claimant did not have any right to control the operations of the business. They also contend that since the audit of the Government it

was finally developed that the Government owed to the claimant some \$800,000.

I want to call the attention of the Members to some of the items that go to make up that claim of \$800,000. One item is \$500,000 for the goodwill of the business of the company. Another item of \$67,500 is as a bonus to the manager of the works, and \$20,000 is for attorneys' fees and various other items of a similar character.

I call attention to the fact that the claimant accepted final settlement without protest and in full satisfaction of the claims, and therefore constructively ratified the signing of the settlement contract by the secretary of the company. However, they are attempting to assert that the agreement was entered into without their knowledge or without their real consent. The secretary of this company, who was the direct agent of the claimant and not of the Government, did accept this final agreement.

As a result, I feel that claimant is estopped from going beyond that agreement in attempting to assert further rights. I call attention to the fact that the last order was completed in the factory on June 26, 1919, and that the Government removed its officers and other personnel who had been acting in a supervisory capacity from the factory in October 1919. So that subsequent to October 1919 up to 1924 this company had control of the factory, and at the time the Government made its audit of 1923-24 the books and affairs of the company were under the direct management of the claimant.

I do not believe the claimant is therefore entitled to go to the Court of Claims in order to press this action.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. SCHAFER of Wisconsin. I notice on page 122 of the committee report that the Government had already made a settlement of \$3,751,682.75. Now, what is the approximate amount of the claim which is embodied in this pending bill?

Mr. COSTELLO. I understand the amount of the claim is approximately \$800,000.

Mr. SCHAFER of Wisconsin. This report seems to indicate that the company which has the claim has gone through bankruptcy proceedings, and if this claim is allowed, who is going to get the money?

Mr. COSTELLO. I presume that any benefit that might come out of this action that would be pursued in the Court of Claims would redound to the benefit of the old recording and computing machines company. I believe Mr. Ohmer, who was the owner at the time, is the sole owner of the concern, and any benefit out of this bill would go directly to him.

Mr. SCHAFER of Wisconsin. I notice in large claims the committee has not carried the limitation insofar as attorneys' fees is concerned.

Mr. COSTELLO. Apparently that has not been inserted in this bill.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. HANCOCK. If this claim is successfully prosecuted, will not the beneficiaries be the creditors on this claimant?

Mr. COSTELLO. I do not know whether the creditors would be able to come in or not.

Mr. HANCOCK. The award, if any, will have to go to the receiver and trustee of this bankrupt company; is that not true?

Mr. COSTELLO. I do not know what the actual legal situation is with regard to this particular company. The assets of the company were sold and the company which purchased them finally went into bankruptcy likewise. So who the legal beneficiaries actually would be in this particular instance I am not in a position to say.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. LEWIS of Colorado. For how much was this settlement made?

Mr. COSTELLO. The original agreement was that the Government owed to the company over three and three-



quarter million dollars, but had offsets of approximately the same amount, so that the final settlement in actual cash was \$4,479.63. Altogether, during the World War, over \$9,000,000 was paid to this company for business that was done with the company.

Mr. LEWIS of Colorado. And this amount was accepted and paid?

Mr. COSTELLO. This amount was accepted and paid.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. KEOGH. Mr. Speaker, I rise in opposition to this amendment to strike out title 16 for the reason that I was a member of the subcommittee of the Committee on Claims which considered this bill, and upon the basis of the subcommittee's recommendation, the favorable report of the committee was made.

The bill simply confers upon the Court of Claims jurisdiction to hear, determine, and render judgment upon this claim. I call particular attention to the fact that there is no waiver in the bill of any defense that may be available to the Government. The facts that have led up to this claim, as I understand them, and as they were adduced at the committee hearing, are these:

The claimant was a large manufacturer of precision instruments, holding contracts for the Allied forces during the World War in excess of \$20,000,000. Upon the date of the entrance of this country into that war, by virtue of the emergency powers granted to the War Department, the War Department entered into various contracts with the claimant, all of which were consolidated into one contract under date of September 1, 1918. Under the terms of the consolidated contract the War Department reserved absolute supervision and control over the internal affairs of the company. The War Department placed its own general manager in the plant, and on the cessation of hostilities the War Department sought to exercise its right, under the consolidated contract, to cancel the then existing orders. They did so, and the question of any right or claim on the part of the company arose. The then general manager, who was the employee of the Ordnance Division of the War Department, selected an accountant who, some time in 1919, prepared what purported to be a settlement of the rights of the respective parties. He allowed certain amounts to the company and certain amounts to the Government. The net difference was somewhere in the neighborhood of \$4,000, notwithstanding the fact that during the period of that audit an interim payment of \$500,000 was made by the War Department to the company.

I mention these figures not to becloud your mind at the moment, because in this bill there is no question of amount. All that is sought by the terms of the bill is to give to the owners of the equity in that company a day in court. They have been denied that, notwithstanding the fact that the War Department 6 years after it made its alleged settlement, of its own volition, made a readout. They have been denied their day in court further by the fact that under the terms of that consolidated agreement they had no recourse to a court of law unless and until the Secretary of War made a final determination. The Secretary of War made no such final determination.

We have the War Department acting in the capacity of trial judge, jury, and prosecutor. In this case the stockholders of the company have never had an opportunity to gain access to their own records to make an independent audit.

All this bill seeks to do is to refer this claim to an independent, impartial, duly constituted tribunal of this Government to the end that both parties may establish such claims, if any they have, and that justice be done.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield.

Mr. O'CONNOR. Is it not a fact that the Court of Claims is simply an agency established by the Congress for the purpose of passing upon the legality of just such matters as these?

Mr. KEOGH. Exactly.

Mr. O'CONNOR. And is it not further a fact that the percentage of recoveries before the Court of Claims is very, very low? As a matter of fact, I think it is 2 or 3 percent of the amount of the claims that have been submitted to this agency created by Congress for this very purpose.

Mr. KEOGH. I have no knowledge of that, but I may say to the gentleman that I am confident this matter will receive the careful, impartial, fair deliberation of the Court of Claims, and I am certain that right will prevail. Up to this moment this claimant has never had the opportunity of presenting its case in such a forum.

[Here the gavel fell.]

Mr. SCHAFER of Wisconsin. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore (Mr. COOPER in the chair). The Chair regrets that the Chair cannot under the rules recognize the gentleman for that purpose.

The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 23, noes 28.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and twenty-three Members are present, not a quorum. The call is automatic. The Doorkeeper will close the door, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 48, noes 254, not voting 121, as follows:

[Roll No. 12]

YEAS—48

Allen, La.	Cox	Hancock	Pace
Beckworth	Crowther	Hoffman	Pierce
Brown, Ga.	Dirksen	Johns	Schafer, Wis.
Bryson	Doxey	Johnson, Ind.	Shafer, Mich.
Buck	Faddis	Johnson, Luther	Sumner, Ill.
Burgin	Folger	Kean	Taber
Cannon, Mo.	Ford, Miss.	Lewis, Colo.	Tarver
Carter	Gamble	Luce	Treadway
Clason	Gifford	Mahon	Vinson, Ga.
Cochran	Gore	Miller	Warren
Cole, N. Y.	Grant, Ala.	Monroney	Wheelchel
Costello	Halleck	Murray	Whittington

NAYS—254

Allen, Ill.	Cravens	Gross	Lambertson
Allen, Pa.	Crawford	Guyer, Kans.	Larrabee
Andersen, H. Carl	Creal	Gwynne	Leavy
Anderson, Calif.	Crosser	Hall, Edwin A.	LeCompte
Andersen, A. H.	Crowe	Hall, Leonard W.	Lesinski
Andrews	Culkin	Harness	Lewis, Ohio
Angell	Cullen	Harrington	Ludlow
Arends	Curtis	Harter, N. Y.	McAndrews
Arnold	D'Alesandro	Harter, Ohio	McCormack
Austin	Darden	Havener	McDowell
Ball	Delaney	Hawks	McGehee
Barden	Dempsey	Healey	McKeough
Barnes	Dingell	Hendricks	McLaughlin
Barry	Disney	Hess	McLeod
Bates, Ky.	Ditter	Hill	McMillan, Clara G.
Bates, Mass.	Dondero	Hobbs	McMillan, John L.
Bender	Doughton	Holmes	Maas
Blackney	Duncan	Hook	Maloney
Bland	Dunn	Horton	Marshall
Bloom	Durham	Houston	Martin, Ill.
Bolles	Dworshak	Hull	Martin, Iowa
Boren	Eaton	Hunter	Mason
Brewster	Eberharter	Izac	Massingale
Brooks	Edmiston	Jacobsen	Michener
Bulwinkle	Ellis	Jarman	Mills, Ark.
Burch	Elston	Jenkins, Ohio	Mills, La.
Burdick	Engel	Jenks, N. H.	Monkiewicz
Byrne, N. Y.	Fenton	Jennings	Moser
Byrns, Tenn.	Ferguson	Jensen	Mott
Camp	Flah	Johnson, Ill.	Mundt
Cannon, Fla.	Fitzpatrick	Johnson, Lyndon	Murdoch, Ariz.
Carlson	Flaherty	Johnson, Okla.	Nichols
Casey, Mass.	Flannagan	Johnson, W. Va.	Norrell
Chapman	Fries	Kee	Norton
Chiperfield	Fulmer	Keefe	O'Brien
Church	Garrett	Kennedy, Md.	O'Connor
Claypool	Gartner	Keogh	O'Day
Coffee, Nebr.	Gavagan	Kerr	O'Leary
Coffee, Wash.	Gehrmann	Kilday	O'Neal
Cole, Md.	Gerlach	Kinzer	Patman
Collins	Gibbs	Kirwan	Patrick
Connery	Gillie	Kitchens	Patton
Cooley	Gossett	Kleberg	Pearson
Cooper	Graham	Knutson	Peterson, Ga.
Corbett	Gregory	Kocalkowski	Plumley
Courtney	Griffith	Kunkel	Poage

Polk	Sacks	Springer	Vorys, Ohio
Powers	Sandager	Starnes, Ala.	Vreeland
Rabaut	Sasser	Stefan	Wadsworth
Ramspeck	Schaefer, Ill.	Sutphin	Wallgren
Rankin	Schiffler	Sweeney	Walter
Reed, Ill.	Schuetz	Talle	Weaver
Reed, N. Y.	Secombe	Tenerowicz	Welch
Rich	Secrest	Terry	West
Richards	Shannon	Thill	Wheat
Risk	Sheppard	Thomas, Tex.	White, Ohio
Robertson	Simpson	Thomason	Wigglesworth
Robison, Ky.	Smith, Maine	Thorkelson	Williams, Mo.
Rodgers, Pa.	Smith, Ohio	Tibbott	Wolfcott
Rogers, Mass.	Smith, W. Va.	Tinkham	Wolfenden, Pa.
Rogers, Okla.	Snyder	Tolan	Wood
Routzohn	South	Van Zandt	Woodrum, Va.
Rutherford	Sparkman	Vincent, Ky.	
Ryan	Spence	Voorhis, Calif.	

## NOT VOTING—121

Alexander	Englebright	Lea	Sabath
Anderson, Mo.	Evans	Lemke	Satterfield
Barton	Fay	McArdle	Schulte
Beam	Fernandez	McGranery	Schwert
Bell	Flannery	McLean	Scrugham
Boehne	Ford, Leland M.	Maclejewski	Seger
Boland	Ford, Thomas F.	Magnuson	Shanley
Boykin	Gathings	Mansfield	Sheridan
Bradley, Mich.	Gearhart	Marcantonio	Short
Bradley, Pa.	Geyer, Calif.	Martin, Mass.	Smith, Conn.
Brown, Ohio	Gilchrist	May	Smith, Ill.
Buckler, Minn.	Grant, Ind.	Merritt	Smith, Va.
Buckley, N. Y.	Green	Mitchell	Smith, Wash.
Byron	Hare	Mouton	Somers, N. Y.
Caldwell	Hart	Murdock, Utah	Steagall
Cartwright	Hartley	Myers	Stearns, N. H.
Case, S. Dak.	Hennings	Nelson	Sullivan
Celler	Hinshaw	Oliver	Sumners, Tex.
Clark	Hope	Osmers	Taylor
Clevenger	Jarrett	O'Toole	Thomas, N. J.
Cluett	Jeffries	Parsons	Ward
Colmer	Jones, Ohio	Peterson, Fla.	White, Idaho
Cummings	Jones, Tex.	Pfeifer	Williams, Del.
Darrow	Kefauver	Pittenger	Winter
DeRouen	Keller	Randolph	Wolverton, N. J.
Dickstein	Kelly	Rayburn	Woodruff, Mich.
Dies	Kennedy, Martin	Reece, Tenn.	Youngdahl
Douglas	Kennedy, Michael	Rees, Kans.	Zimmerman
Dowell	Kramer	Robinson, Utah	
Drewry	Landis	Rockefeller	
Elliott	Lanham	Romjue	

So the amendment was rejected.

The Clerk announced the following pairs:  
General pairs:

Mr. Rayburn with Mr. Martin of Massachusetts.  
Mr. Boland with Mr. Alexander.  
Mr. Green with Mr. Youngdahl.  
Mr. Lanham with Mr. Barton.  
Mr. Fulmer with Mr. Englebright.  
Mr. Mansfield with Mr. Pittenger.  
Mr. Mouton with Mr. Seger.  
Mr. Colmer with Mr. Wolverton of New Jersey.  
Mr. Sullivan with Mr. Bradley of Michigan.  
Mr. Fernandez with Mr. Short.  
Mr. Satterfield with Mr. Douglas.  
Mr. DeRouen with Mr. Williams of Delaware.  
Mr. Smith of Virginia with Mr. Darrow.  
Mr. Clark with Mr. Stearns of New Hampshire.  
Mr. Parsons with Mr. Hartley.  
Mr. Beam with Mr. Dowell.  
Mr. Dies with Mr. Jones of Ohio.  
Mr. Cartwright with Mr. Grant of Indiana.  
Mr. Kelly with Mr. Gilchrist.  
Mr. Hare with Mr. Cluett.  
Mr. Steagall with Mr. Jarrett.  
Mr. Lea with Mr. Clevenger.  
Mr. Boykin with Mr. Brown of Ohio.  
Mr. Caldwell with Mr. Leland N. Ford.  
Mr. Jones of Texas with Mr. Lemke.  
Mr. May with Mr. Osmers.  
Mr. Nelson with Mr. Reece of Tennessee.  
Mr. Cummings with Mr. Rees of Kansas.  
Mr. Hart with Mr. Buckler of Minnesota.  
Mr. Flannery with Mr. Gathings.  
Mr. Keller with Mr. Bradley of Pennsylvania.  
Mr. McArdle with Mr. Geyer of California.  
Mr. McGranery with Mr. Romjue.  
Mr. Hennings with Mr. Sheridan.  
Mr. Sabath with Mr. Celler.  
Mr. Robinson of Utah with Mr. Schwert.  
Mr. Dickstein with Mr. Magnuson.  
Mr. Schulte with Mr. Byron.  
Mr. O'Toole with Mr. Ward.  
Mr. Murdock of Utah with Mr. Michael J. Kennedy.  
Mr. Somers of New York with Mr. Shanley.  
Mr. Fay with Mr. Folger.  
Mr. Boehne with Mr. Kramer.  
Mr. Buckley of New York with Mr. Case of South Dakota.  
Mr. Taylor with Mr. Anderson of Missouri.  
Mr. Martin J. Kennedy with Mr. Elliott.  
Mr. Zimmerman with Mr. Merritt.  
Mr. Myers with Mr. White of Idaho.

Mr. Bell with Mr. Maclejewski.  
Mr. Pfeifer with Mr. Smith of Connecticut.  
Mr. Smith of Washington with Mr. Jeffries.  
Mr. Thomas F. Ford with Mr. McLean.  
Mr. Scrugham with Mr. Gearhart.  
Mr. Evans with Mr. Oliver.  
Mr. Kefauver with Mr. Hinshaw.  
Mr. Mitchell with Mr. Rockefeller.  
Mr. Smith of Illinois with Mr. Hope.  
Mr. Marcantonio with Mr. Winter.  
Mr. Drewry with Mr. Landis.

The doors were opened.

The result of the vote was announced as above recorded.

The Clerk read as follows:

Title XVII—(H. R. 4256. For the relief of the estate of George B. Spearin, deceased.) By Mr. Eaton of New Jersey

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of George B. Spearin, deceased, the sum of \$5,616.29, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sum to be in full settlement of all claims against the United States for all loss sustained by said Spearin by reason of failure, until April 11, 1917, of his attorney to file with the Treasury Department, in compliance with the provisions of the act of September 30, 1890 (26 Stat. L. 537), transcript of judgment of the Court of Claims in the case of Spearin against the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Strike out, beginning after the word "Provided," in line 5, down to and including line 17, and insert: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Beginning on page 20, line 17, strike out all of title XVII.

Mr. COSTELLO. Mr. Speaker, the present bill provides for payment of \$5,616.29 to the estate of George B. Spearin. The purpose of this bill is to pay an amount which he would otherwise have received had his attorney been a little more diligent in looking after his interests in an action against the United States Government.

It appears that in the case of George B. Spearin against the United States, the Court of Claims awarded judgment in favor of said Spearin the sum of \$141,180.86 on April 13, 1916. The United States Government filed application for appeal to the Supreme Court of the United States of June 10, 1916. The appeal was allowed on September 12, 1916. A transcript of judgment of the Court of Claims was not filed with the Treasury Department until April 11, 1917, practically 1 year after the date on which it might have been filed; hence when the Supreme Court of the United States affirmed the judgment of the Court of Claims on December 9, 1918, the mandate of affirmance issuing January 4, 1919, the amount of interest allowed on the judgment was \$9,948.42, which was 4 percent upon the award from April 11, 1917, until June 14, 1919.

Had the transcript of judgment of the Court of Claims been filed in the Treasury Department 1 year earlier, namely, on April 13, 1916, the interest would have been included in the judgment, and as a result the claimant would have received an additional \$5,616.29.

This particular claim has been before Congress for a long time. The only reason the claimant was not given additional interest was because of a failure on the part of his own



attorney. It appears to me that the Government should not be liable for the payment of this additional interest in view of the fact that the failure to receive it was due entirely to the attorney for the claimant. I do not think the Federal Government can be held responsible for the failure on the part of attorneys to perform their duty. We have had any number of similar cases where an attorney may have fallen down on some particular item and as a result the claimant has been unsuccessful in obtaining either the full amount of the judgment or any judgment at all. If we are going to assume the attitude that the Federal Government is responsible where an attorney is at fault and as a result the claimant suffers some loss, then we are going to put the Federal Government in a position where it will be responsible for any number of claims of this character. It is very hard to attempt to forecast what the final cost to the Government will be in these cases.

In view of this fact and since it was purely the attorney's fault, I do not believe this claim has merit and the House should strike it from the bill.

[Here the gavel fell.]

Mr. EATON. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this bill has been passed by the Senate six times and it has been favorably reported an equal number of times by able committees of this House, including the present committee.

The gentleman who has just spoken has stated the external facts of the case practically as they are, except with reference to the attorney. The whole trouble arises from the fact that we are confronted by a most unusual phenomenon—the unfortunate and unexpected intellectual incapacity of a lawyer.

This case was decided in favor of Mr. Spearin by the Court of Claims in 1916 and was then appealed by the United States Government to the Supreme Court of the United States. Two years and nine months later the Supreme Court sustained the judgment of the Court of Claims. Under the law it was necessary for the lawyer in the case to deposit with the Treasury Department a transcript of the judgment of the Court of Claims immediately if he was to draw interest on the sum during the period between the judgment of the lower court and the decision of the Supreme Court. This was not done for 1 year. It was then done and the plaintiff drew interest at the rate of 4 percent.

The reason this transcript was not deposited was because a very distinguished attorney who had this case in charge became afflicted with senile decay. I have here an affidavit by Dr. Sterling Ruffin, one of the leading surgeons of this city, in which he states:

In the spring of 1921 I examined Mr. Frank W. Hackett and found that he was in a condition of senile dementia which profoundly affected his memory and his faculties in regard to all current and recent events. Mr. Hackett is said to be and appears to be 80 years old. In the year 1916 I attended Mr. Hackett on several occasions, and to the best of my knowledge and belief, based upon medical examination of Mr. Hackett and the history of his case, Mr. Frank W. Hackett's mental failure had begun several years prior to the year 1916, and had slowly but surely progressed up to the time of my examination in the spring of 1921.

Mr. Speaker, the claimant in this case did not live here. He trusted his attorney, as litigants have to do, and he did not know that this distinguished lawyer was afflicted with the infirmities of age. When he found this out he immediately secured competent legal advice, carried his case to the Supreme Court, and won it. The heirs of Mr. Spearin are asking for this relief, and I feel, under the circumstances, they are entitled to it. My opinion is supported by the wisdom of the Senate and by the wisdom of our committee.

I sincerely hope the Members of this House will defeat the pending amendment and grant this relief to these people.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The Clerk read as follows:

LXXXVI—48

Title XVIII—(H. R. 4456. For the relief of William O'Connell.)  
By Mr. HEALEY

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William O'Connell, Somerville, Mass., the sum of \$750, in full settlement of all claims against the United States for damages sustained by him as a result of being struck and injured by a United States mail truck in Somerville, Mass., on January 13, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. HALLECK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALLECK: On page 22, strike out all of title XVIII.

Mr. HALLECK. Mr. Speaker, this is a bill to provide for the payment of \$750 to a Mr. William O'Connell, 55 years of age, of Somerville, Mass. It is contended that the claimant was injured by being struck by a mail truck of the Post Office Department on Somerville Avenue in Somerville, Mass., on January 13, 1934. The time of the accident was something after 6 o'clock in the evening. The evidence is that it was a dark and stormy night and the visibility was very poor. There were no witnesses to the accident other than the driver of the mail truck and the claimant himself.

According to what seems to me to be the preponderance of the evidence, the claimant started across Somerville Avenue in the middle of the block—that is, he started across the street at a point some 100 feet from the crosswalk. The driver of the mail truck was proceeding in a careful manner and at a slow rate of speed in keeping with the poor visibility and the condition of the traffic at the time. The driver of the mail truck states that he noticed three vehicles approaching him, the first one driving at a rather fast rate of speed. He slowed his truck to give that vehicle a chance to turn in front of him, and then, as he started to pick up speed again, he noticed a man, who later turned out to be the claimant, on the right front fender of his truck. He immediately put on his brakes and stopped within about the length of the truck, got out of the truck, walked around, and discovered the claimant lying on the ground beside the rear wheel of the truck. He quoted the claimant as saying, "I had just dodged the other fellow." The driver of the truck states that he did not see the man crossing in the middle of the street.

The claimant says that he noticed some other vehicles coming at a distance of 300 feet, and he moved into the center of the street, then noticed that a vehicle was coming at a distance of about 100 feet, and then started across and was struck by the truck. That is the story, as far as I can get it, as to what happened. The claimant was crossing in the middle of the street, not at a crosswalk. As far as I can discover, the driver of the truck was operating the truck in a very careful manner.

I believe the best deduction from the evidence is that the claimant carelessly and negligently walked into the side of the truck and thereby either caused the injury which he sustained or at least was guilty of contributory negligence in causing that injury.

There is another point or two to which I wish to call your attention. I have discovered in the papers on this case a letter addressed to the Attorney General asking whether or not a civil action for damages filed by the claimant against the driver of the truck had ever been disposed of. The Attorney General recites in his letter of March 3, 1937, that such an action was filed in 1934, but that nothing had been done with it. Can the chairman of the committee tell me whether or not anything further has been done with that case?

Mr. KENNEDY of Maryland. No; I do not believe any disposition has been made of that matter at all.

Mr. HALLECK. I think that point is worthy of consideration. I do not know whether or not the driver of the

truck is financially responsible, but, certainly, at some time the claimant thought he had some collectible claim against the driver of the truck. That he has not pursued that claim may indicate a lack of confidence in the proof of negligence.

It also appears from the records in this case that the claimant was employed by the Civil Works Administration at the time of the injury. He filed a claim with the United States Employees' Compensation Commission. It was found that he was acting in line of duty at the time of the accident and his claim was allowed. I read from the report of Mr. C. M. Nelson, inspector, with regard to the amount of money that was allowed by the Employees' Compensation Commission, in these words:

As a result of the accident, Mr. O'Connell actually lost wages amounting to a total of \$135 for the period from January 15 to March 31, 1934. If he receives compensation in the amount of \$46, in addition to the compensation of \$20.70 already paid to him, the net loss of wages would amount to \$68.30.

The Commission also paid the doctor bill.

The evidence shows that Mr. O'Connell was found able to go back to work as a watchman, which had been his job previously, on April 2, but there was no work for him until May 2, when he did go back to work with the Civil Works Administration. He pursued that line of recovery against the Government. Should he also be permitted to pursue this one?

[Here the gavel fell.]

Mr. HEALEY. Mr. Speaker, it seems to me the argument made by the gentleman who just preceded me centers on the proposition that this man should not be allowed to recover in this case, because he failed to exercise due care in not using a cross walk to cross the street on which this accident occurred.

In answer to this proposition, let me say that if this case ever came to trial before a tribunal in the jurisdiction where the accident took place, no such rigid degree of care would be required of the plaintiff in order for him to make out a case. The law of Massachusetts regarding the use of the highways prescribes that a pedestrian and a person traveling by vehicle have an equal right to the use of the portion of the highway concerned, the degree of care required being that degree of care which an ordinarily prudent person would exercise for the rights of the other.

The evidence in this case, which is undisputed, is that the claimant attempted to cross the highway 100 feet away from a cross walk. I certainly do not believe this body any more than a court would require that man in order to cross the street go a hundred feet along on the sidewalk and there cross on the cross walk. The fact that he did not use a cross walk would not bar his recovery in a court of law, and in the exercise of due care he was not necessarily required by the laws of the State of Massachusetts to use the cross walk.

Let us see from this man's statement—and his statement is undisputed; there being no other witnesses to the accident—what degree of care he exercised that night:

The claimant contends that on January 13, 1934, he was attempting to cross Somerville Avenue, at Union Square, Somerville, Mass., at about 6:35 p. m., there being no cross walk, and he apparently being about 100 feet west of the intersection.

And there is no evidence in the case that there was a cross walk at the intersection.

He states that there was traffic going both east and west on Somerville Avenue, with no officer or traffic light to regulate same. He waited until there was a lull in the traffic and looked both ways, the nearest automobile being approximately 300 feet away.

Now, at that juncture I submit to you, as reasonable men, would you expect this man to wait for a vehicle that was 300 feet away?

Upon starting across the street he again looked to his right and left, and states that he saw an automobile 100 to 150 feet away. Judging that he could then cross in safety he proceeded across the street, and when about halfway across he was struck by a United States mail truck approaching from his left.

Now, I ask you, on all the facts, whether that is not pretty potent evidence that this man did exercise a high degree of care for himself in looking up and down the street and taking another look to make sure when he was out on the street, and then walking halfway across the street before he was struck?

Now, as to the defendant's care on this particular night, let me just read this language to you. The driver of the automobile said that he was proceeding along Somerville Avenue, in the city of Boston—

That he was traveling to the right of the streetcar rails; that when adjacent to a parking area located between Washington Street and Somerville Avenue, he saw three automobiles approaching the intersection in a westerly direction, and reduced the speed of the truck to allow one of these vehicles to pass in front of the truck, the other two having turned into an intersecting street; that as soon as the automobile had passed in front of the truck, he placed his foot on the accelerator to increase his speed, when he suddenly saw the claimant lying on the right front fender of the truck.

There is evidence there that at some time after this claimant looked to assure his safety and, relying on that look, started across the street, the speed of the mail truck was increased, and I say to you that a jury would be justified in inferring that this accident was caused by the increase in the speed of the truck after the claimant had started to cross the street in a reliance on a reasonable judgment that he could do so safely.

[Here the gavel fell.]

The SPEAKER pro tempore (Mr. Brown of Georgia). The question is on the amendment offered by the gentleman from Indiana.

The question was taken.

Mr. HOFFMAN. Mr. Speaker, I challenge the vote on the ground a quorum is not present.

The SPEAKER pro tempore. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 86, nays 197, not voting 140, as follows:

[Roll No. 13]

YEAS—86

Anderson, Calif.	Doxey	Jenkins, Ohio	Murray
Andrews	Durham	Jenks, N. H.	Pierce
Arends	Dworshak	Jensen	Polk
Bates, Mass.	Elston	Johns	Rich
Bender	Engel	Johnson, Ill.	Rodgers, Pa.
Blackney	Flah	Johnson, Ind.	Rogers, Mass.
Brewster	Ford, Miss.	Johnson, W. Va.	Secombe
Burgin	Gamble	Kean	Shafer, Mich.
Cannon, Mo.	Gillie	Kilday	Springer
Carter	Graham	Kinzer	Stefan
Chilperfield	Gregory	Kitchens	Taber
Church	Gross	Kleberg	Tinkham
Claypool	Gwynne	LeCompte	Treadway
Cole, N. Y.	Hall, Edwin A.	Lewis, Ohio	Vorys, Ohio
Corbett	Halleck	McLeod	Vreeland
Costello	Hancock	Mahon	Weaver
Crawford	Harness	Marshall	West
Culkin	Harter, N. Y.	Martin, Iowa	Wheat
DeRouen	Hawks	Mason	White, Ohio
Dirksen	Hess	May	Whittington
Ditter	Hoffman	Michener	
Dondoro	Horton	Mundt	

NAYS—197

Allen, La.	Cole, Md.	Gartner	Kefauver
Allen, Pa.	Collins	Gathings	Kennedy, Martin
Andresen, H. Carl	Connery	Gehrmann	Kennedy, Md.
Andresen, A. H.	Cooley	Gerlach	Keogh
Angell	Cooper	Gibbs	Kerr
Arnold	Courtney	Gore	Kirwan
Austin	Cox	Gossett	Kocalkowski
Ball	Cravens	Grant, Ala.	Kunkel
Barnes	Creal	Griffith	Larrabee
Bates, Ky.	Crosser	Guyer, Kans.	Leavy
Beckworth	Crowe	Hall, Leonard W.	Lemke
Bloom	Cullen	Havener	Lesinski
Bolles	Curtis	Healey	Lewis, Colo.
Boren	D'Alesandro	Hendricks	Luce
Boykin	Darden	Hennings	Ludlow
Brooks	Delaney	Hill	McAndrews
Brown, Ga.	Dempsey	Hobbs	McCormack
Bryson	Dickstein	Holmes	McDowell
Burdick	Dingell	Hook	McGehee
Byrne, N. Y.	Dunn	Houston	McKeough
Byrns, Tenn.	Eaton	Hull	McLaughlin
Caldwell	Eberhart	Hunter	McMillan, Clara G.
Camp	Edmiston	Izac	McMillan, John L.
Cannon, Fla.	Fenton	Jacobsen	McMone
Carlson	Ferguson	Jarman	Martin, Ill.
Casey, Mass.	Fitzpatrick	Jennings	Massingale
Chapman	Flaherty	Johnson, Luther A.	Miller
Clason	Flannagan	Johnson, Lyndon	Mills, Ark.
Cochran	Fries	Johnson, Okla.	Mills, La.
Coffee, Nebr.	Fulmer	Kee	Monkiewicz
Coffee, Wash.	Garrett	Keefe	Monroney



Moser	Rabaut	Shannon	Tibbott
Mott	Ramspeck	Sheppard	Tolan
Murdock, Ariz.	Rankin	Smith, Ill.	Van Zandt
Nichols	Reed, Ill.	Smith, Maine	Vincent, Ky.
Norrell	Richards	Smith, W. Va.	Voorhis, Calif.
Norton	Risk	Snyder	Wallgren
O'Brien	Robison, Ky.	South	Walter
O'Connor	Rogers, Okla.	Spence	Warren
O'Day	Rutherford	Sumner, Ill.	Welch
O'Leary	Ryan	Sumners, Tex.	Whelchel
Parsons	Sacks	Sutphin	Wigglesworth
Patman	Sandager	Taille	Williams, Del.
Patrick	Sasscer	Tarver	Williams, Mo.
Fearson	Schaefer, Ill.	Tenerowicz	Wolcott
Peterson, Ga.	Schafer, Wis.	Terry	Wolfenden, Pa.
Pfeiffer	Schuetz	Thill	Wood
Plumley	Schulte	Thomas, Tex.	
Poage	Scrugham	Thomason	
Powers	Secrest	Thorkelson	

## NOT VOTING—140

Alexander	Drewry	Kramer	Rockefeller
Allen, Ill.	Duncan	Lambertson	Romjue
Anderson, Mo.	Elliott	Landis	Routzohn
Barden	Ellis	Lanham	Sabath
Barry	Englebright	Lea	Satterfield
Barton	Evans	McArdle	Schiffler
Beam	Faddis	McGranery	Schwert
Bell	Fay	McLean	Seger
Bland	Fernandez	Maas	Shanley
Boehne	Flannery	Maclejewski	Sheridan
Boland	Folger	Magnuson	Short
Bradley, Mich.	Ford, Leland M.	Mansfield	Simpson
Bradley, Pa.	Ford, Thomas F.	Smith, Conn.	Smith, Ohio
Brown, Ohio	Gavagan	Smith, Va.	Smith, Wash.
Buck	Gearhart	Merritt	Somers, N. Y.
Buckler, Minn.	Geyer, Calif.	Mitchell	Sparkman
Buckley, N. Y.	Gifford	Mouton	Starnes, Ala.
Bulwinkle	Gilchrist	Murdock, Utah	Stearns, N. H.
Burch	Grant, Ind.	Myers	Sullivan
Byron	Green	Nelson	Sweeney
Cartwright	Hare	Oliver	Taylor
Case, S. Dak.	Harrington	O'Neal	Thomas, N. J.
Celler	Hart	Osmer	Vinson, Ga.
Clark	Harter, Ohio	O'Toole	Wadsworth
Clevenger	Hartley	Pace	Ward
Cuett	Hinshaw	Patton	White, Idaho
Colmer	Hope	Peterson, Fla.	Winter
Crowther	Jarrett	Pittenger	Wolverton, N. J.
Cummings	Jeffries	Randolph	Woodruff, Mich.
Darrow	Jones, Ohio	Rayburn	Woodrum, Va.
Dies	Jones, Tex.	Reece, Tenn.	Youngdahl
Disney	Keller	Reed, N. Y.	Zimmerman
Doughton	Kelly	Rees, Kans.	
Douglas	Kennedy, Michael	Robertson	
Dowell	Knutson	Robinson, Utah	

So the amendment was rejected.

The Clerk announced the following additional pairs:  
General pairs:

Mr. Rayburn with Mr. Martin of Massachusetts.  
Mr. Lanham with Mr. Hartley.  
Mr. Robertson with Mr. Hope.  
Mr. Boland with Mr. Douglas.  
Mr. Doughton with Mr. Clevenger.  
Mr. Drewry with Mr. Oliver.  
Mr. Fernandez with Mr. Pittenger.  
Mr. O'Neal with Mr. Rockefeller.  
Mr. Bulwinkle with Mr. Seger.  
Mr. Patton with Miss Sumner of Illinois.  
Mr. Green with Mr. Grant of Indiana.  
Mr. Hare with Mr. Gearhart.  
Mr. Burch with Mr. Darrow.  
Mr. Peterson of Florida with Mr. Reed of New York.  
Mr. Jones of Texas with Mr. Maas.  
Mr. Kelly with Mr. McLean.  
Mr. Kramer with Mr. Leland M. Ford.  
Mr. Satterfield with Mr. Englebright.  
Mr. Sparkman with Mr. Gifford.  
Mr. Mansfield with Mr. Barton.  
Mr. Starnes of Alabama with Mr. Crowther.  
Mr. Ellis with Mr. Jarrett.  
Mr. Mouton with Mr. Jeffries.  
Mr. Boehne with Mr. Knutson.  
Mr. Pace with Mr. Thomas of New Jersey.  
Mr. Woodrum of Virginia with Mr. Simpson.  
Mr. Vinson of Georgia with Mr. Short.  
Mr. Bland with Mr. Alexander.  
Mr. Folger with Mr. Osmer.  
Mr. Beam with Mr. Reece of Tennessee.  
Mr. Nelson with Mr. Allen of Illinois.  
Mr. Randolph with Mr. Smith of Ohio.  
Mr. Zimmerman with Mr. Wadsworth.  
Mr. White of Idaho with Mr. Woodruff of Michigan.  
Mr. Barry with Mr. Jones of Ohio.  
Mr. Anderson of Missouri with Mr. Landis.  
Mr. Fay with Mr. Lambertson.  
Mr. Buck with Mr. Hinshaw.  
Mr. Cartwright with Mr. Gilchrist.  
Mr. Clark with Mr. Case of South Dakota.  
Mr. Disney with Mr. Brown of Ohio.  
Mr. Colmer with Mr. Bradley of Michigan.  
Mr. Dies with Mr. Rees of Kansas.

Mr. Steagall with Mr. Schiffler.  
Mr. Sullivan with Mr. Stearns of New Hampshire.  
Mr. Sumners of Texas with Mr. Winter.  
Mr. Gavagan with Mr. Wolverton of New Jersey.  
Mr. Taylor with Mr. Buckler of Minnesota.  
Mr. Sabath with Mr. Marcantonio.  
Mr. Romjue with Mr. Youngdahl.  
Mr. Sheridan with Mr. Shanley.  
Mr. Merritt with Mr. Mitchell.  
Mr. Cummings with Mr. Lea.  
Mr. McArdle with Mr. Smith of Connecticut.  
Mr. Smith of Virginia with Mr. Somers of New York.  
Mr. McGranery with Mr. Duncan.  
Mr. Maciejewski with Mr. Smith of Washington.  
Mr. Celler with Mr. Byron.  
Mr. Harrington with Mr. Buckley of New York.  
Mr. Bradley of Pennsylvania with Mr. Geyer of California.  
Mr. Bell with Mr. Thomas F. Ford.  
Mr. Flannery with Mr. Ward.  
Mr. O'Toole with Mr. Robinson of Utah.  
Mr. Keller with Mr. Michael J. Kennedy.  
Mr. Elliott with Mr. Evans.  
Mr. Faddis with Mr. Murdock of Utah.  
Mr. Harter of Ohio with Mr. Sweeney.  
Mr. Myers with Mr. Schwert.

Mr. WIGGLESWORTH changed his vote from "aye" to "no."  
Mr. CANNON of Missouri changed his vote from "no" to "aye."

The result of the vote was announced, as above recorded.

The doors were opened.

The Clerk read as follows:

Title XIX—(H. R. 4843. To confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of John L. Alcock.) By Mr. KENNEDY of Maryland

That (1) jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment on the claim of John L. Alcock, of Baltimore, Md., for loss and/or damage, if any, sustained by him by reason of the action of officers of the Signal Corps and/or the Spruce Production Division of the War Department in promulgating the order refusing to permit further shipments under his contract and foreign orders for the shipment and delivery from February to December 1918 of 6,000,000 feet of spruce and fir lumber for the use of the British Army in the prosecution of the World War, and by reason of their action in directing the canceling of his contracts with the American mills for the production and shipment of said 6,000,000 feet of lumber. The Court of Claims shall hear, determine, and render judgment on the claim notwithstanding the executory character of such contracts and that there had been no delivery of title to claimant under his contracts with the American mills, and shall measure the losses and/or damages, if any, by the difference between what claimant would have received from the foreign purchasers on delivery of the lumber, free on board cars at the mills, and the amount he had agreed to pay the American mills free on board cars at mills.

(2) The Court of Claims in the adjudication of the said claim is authorized in its discretion to use, in addition to any evidence that may be offered in any suit which may be brought under this act, the pleadings and evidence in the case of *John L. Alcock & Co. v. The United States* (61 Ct. Cls. 312), and in the case of *John L. Alcock & Co. v. The United States* (No. J-567), decided April 4, 1932.

(3) Suit hereunder may be instituted at any time within 4 months after the approval of this act, notwithstanding lapse of time or any statute of limitations, and proceedings therein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Beginning on page 22, line 19, strike out all of title XIX.

Mr. COCHRAN. Mr. Speaker, I have followed this claim for a number of years and I know something about it. During the World War the Government was required, in order to protect itself and to protect its Allies, to take over the production of certain kinds of lumber in the Northwest. The claimant, Mr. Alcock, was a lumber broker in Baltimore. Time will not permit me to go into the case in detail which I would like to do. Suit was filed in the Court of Claims in 1923 and judgment was rendered in favor of the Government. Then the Congress, May 28, 1928, passed a resolution certifying the case to the Court of Claims. In the second case the plaintiff also made claim for \$195,230.62, based on anticipated profits, in addition to his original claim which was \$163,247.17. The Court of Claims rendered a decision in favor of the plaintiff for the \$163,247.17 claim with interest from 1918 to 1932, and Mr. Alcock collected that money. On the \$195,230.62 claim, which is involved in this resolution, the Court of Claims

denied his right to that amount. Mr. Alcock won one claim and lost the other.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. In just a minute if I have time.

Now, mind you, this claim is based on anticipated profits; what he might have made had the Government not taken over the control of lumber which was absolutely necessary for the construction of airplanes. Without this lumber we could not have manufactured airplanes, nor could Great Britain and France.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. COCHRAN. I regret I cannot. I only have 5 minutes and I have something more to say.

The War Department has gone into this matter very, very fully. Let me read what the War Department says would happen if this resolution passed and judgment were given against the Government:

If the relief proposed in H. R. 7568 be granted, it is believed such action would constitute a precedent too dangerous to even contemplate, as it would open up untold tens of thousands of claims of a like nature, for the reason that during the war the Government not only requisitioned ships which were under contract and charter at the time of their requisition but undertook the control of wheat, sugar, coal, and other commodities of almost every nature, thereby rendering impossible the execution of previous contracts respecting these commodities, and took over steel mills, railroads, shipyards, telephone and telegraph lines, the capacity output of factories and other producing activities. If this bill should be enacted into law it is the opinion of this Department that it will inevitably result in a stampede and gold rush in the nature of claims upon the Government in comparison with which the Klondike gold rush would appear as a solo affair. If this bill should be passed it is difficult to understand why, in principle, every soldier who was drafted into the military service would not have an equally meritorious claim against the Government for a special act of Congress for relief to compensate him for the difference between his meager Army pay and the pay, salary, or earnings he was receiving in civil life. The consequences of such claims as that embodied in H. R. 7568 were stressed by the Supreme Court of the United States in the case of *Omnia Commercial Co., Inc., v. United States, supra*. On page 513 of the opinion the language is as follows:

"The Government took over during the war, railroads, steel mills, shipyards, telephone and telegraph lines, the capacity output of factories and other producing activities. If appellant's contention is sound the Government thereby took and became liable to pay for an appalling number of existing contracts for future service or delivery, the performance of which its action made impossible. This is inadmissible. Frustration and appropriation are essentially different things."

The War Department does not believe that Congress intends such legislation and therefore because of its unusual character, far-reaching effect, and inevitable consequences, it is recommended that the bill be not reported favorably.

Anticipated profits. Think of it. How about the enlisted man who had a good going business and was forced to go to France and while he was in France his business did not function because there was no one to operate it? How about his right to go before the Court of Claims on anticipated profits for what he might have made if he had not been required to go to France? In my opinion the soldier should have the prior right.

I say that this is a claim that does not deserve the consideration of this body because the court has already passed on it. The claimant has received over \$163,000 with interest on that amount from 1918 to 1932.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. This is the gentleman's bill. He will get 5 minutes and he can answer my argument then. I need what little time I have remaining. If you will look at the report from the War Department you will see this resolution is so worded the Government will practically be divested of the right to properly present its case. Why should you tie the Government's hands as this resolution provides?

I appeal to this House to vote "aye" on my amendment. I know there are a number of Members in this House who think they have been supporting amendments by voting "nay," when the vote should have been "aye." If you want to defeat this claim, the vote is "aye." [Applause.]

[Here the gavel fell.]

Mr. KENNEDY of Maryland. Mr. Speaker, I rise in opposition to the amendment.

Of course, if the facts were as stated by my friend from Missouri, I would not have been the author of this bill, but the true facts are that while Alcock went into court, he went in for the sum of \$358,477.79. The court awarded him the sum of \$163,247.17. However, the court did not deny him the sum of \$195,230.62 on the basis of any facts or evidence produced in court. It was simply the ruling of the court that the court had no jurisdiction over that part of the claim which the \$195,230.62 represented, and for that reason they ruled that he was not entitled to relief under that bill. It is an entirely different case than stated by the gentleman from Missouri [Mr. COCHRAN]. It is not "anticipated profits" as such, notwithstanding the fact that the language in the court's findings says "anticipated profits." This man was engaged in the sale and exporting of spruce, fir, and other hardwoods from the United States to the United Kingdom and continental Europe. He secured a permit from the proper Government officials to enter into contracts and he did execute part of them. Before he could finish, however, the Government stepped in and commandeered this lumber that he had contracted sales for; so, instead of their being anticipated profits, they are actual profits, on contracts entered into with these people with whom he had dealt for many years in London and Europe, although he has never realized same. I contend, therefore, that this is purely a jurisdictional bill, only authorizing this plaintiff to go into court and establish his claim, if any, by evidence produced before the court.

Reference to war profits, or to our boys' being sacrificed overseas, or being denied their rights to earn, has no bearing whatever in this case. In my judgment, we should permit this man to go into court and there present the evidence he has to establish his case. It may be that he does not have a case; I am not prepared to say, I am not in position to render judgment, nor do I believe any other Member in this House is.

The decision of the Supreme Court cited by the gentleman from Missouri [Mr. COCHRAN] is one that would appear to work against this claim, but the existing law as established by the Supreme Court in the case of the International Paper Co., Inc., is just as strongly in favor of this claimant. I say, therefore, that it is unfair to permit someone in the War Department to write an opinion and to render a decision that the courts of the land should render. This is a matter that ought to be brought before the court and there thrashed out on its merits. We have sufficient confidence in the court to believe that if there is no merit in the case, no judgment will be awarded.

All that is being asked in this bill is to give this claimant his day in court. It is on all fours with a bill passed a short while ago this very day, to permit a claimant to go into court and have his case there heard on its merits in a fair and just manner.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield.

Mr. HANCOCK. I call the gentleman's attention to the fact that there is a very great difference, a distinct difference, between this jurisdictional bill and the one just passed. In the former case the court was directed to hear and determine the issues. In this bill the Government is stripped of every possible defense. In this case the Court of Claims, in effect, is directed to bring in a judgment against the United States for \$163,247 with interest for 22 years on a contract which the Court of Claims has found to be entirely invalid and nonexistent.

Mr. KENNEDY of Maryland. May I interrupt the gentleman to ask him to point out to me where the bill strips the Government of all defense?

Mr. HANCOCK. Page 23, line 11:

The Court of Claims shall hear, determine, and render judgment on the claim notwithstanding the executory character of such contracts and that there had been no delivery of title to claimant under his contracts with the American Mills, and shall measure the losses and/or damages, if any, by the difference between what claimant would have received from the foreign purchasers on delivery of the lumber.



The foreign purchasers had paid him nothing; he had paid the American Mills nothing. The lumber had not been cut; it was not in being. This amount is not an out-of-pocket amount. We are being asked now to direct the Court of Claims to pay an amount that he possibly could have made had everything gone well.

Mr. KENNEDY of Maryland. I disagree with the gentleman, of course, and I say that the language of the bill reads: "Loss, if any." From this we must infer that he would have to prove his loss first, if he had any loss at all. I may say to the gentleman that the evidence shows conclusively that the lumber was in being and would have been sawed and delivered to claimant except for the cancellation of his contracts by the War Department and the appropriation of such lumber to use of the Government. This merely goes to prove that we cannot here in 5 minutes determine these questions; that they ought to be sent to a court for consideration and examination.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 70, noes 45.

Mr. KENNEDY of Maryland. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 184, nays 87, not voting 152, as follows:

[Roll No. 14]  
YEAS—184

Alexander	Eaton	Jones, Tex.	Robison, Ky.
Allen, La.	Elston	Kean	Rockefeller
Allen, Pa.	Engel	Kee	Rodgers, Pa.
Andersen, H. Carl	Fenton	Keefe	Rogers, Mass.
Anderson, Calif.	Fish	Kilday	Rutherford
Andrews	Flannagan	Klinzer	Schaefer, Ill.
Arends	Ford, Miss.	Kitchens	Schaefer, Wis.
Arnold	Fulmer	Kleberg	Schiffler
Austin	Gamble	Kocalkowski	Schuetz
Ball	Garrett	Kunkel	Secombe
Barden	Gehrmann	LeCompte	Secrest
Barnes	Gerlach	Lesinski	Shafer, Mich.
Bates, Mass.	Gifford	Lewis, Colo.	Sheppard
Beckworth	Gillie	Lewis, Ohio	Simpson
Bender	Gore	Luce	Smith, Maine
Blackney	Graham	McAndrews	Smith, W. Va.
Boren	Grant, Ala.	McDowell	South
Brewster	Gross	McLeod	Sparkman
Brooks	Gwynne	McMillan, John L.	Springer
Bryson	Hall, Edwin A.	Mahon	Stefan
Bulwinkle	Hall, Leonard W.	Marshall	Sumner, Ill.
Burgin	Halleck	Martin, Ill.	Sutphin
Cannon, Mo.	Hancock	Martin, Iowa	Taber
Carlson	Harness	Mason	Talle
Carter	Harter, N. Y.	Massingale	Tarver
Case, S. Dak.	Harter, Ohio	May	Tenerowicz
Chaperfield	Hawks	Michener	Terry
Church	Hennings	Miller	Thill
Clason	Hess	Mills, La.	Thomas, Tex.
Cochran	Hoffman	Monkiewicz	Thomason
Coffee, Nebr.	Holmes	Monroney	Thorkelson
Cole, N. Y.	Hook	Moser	Tibbott
Collins	Horton	Mundt	Tinkham
Cooper	Houston	Murray	Vorys, Ohio
Corbett	Hull	Norrell	Vreeland
Costello	Jenkins, Ohio	O'Brien	Wadsworth
Courtney	Jenks, N. H.	Osmer	Warren
Crawford	Jennings	Parsons	Weaver
Creal	Jensen	Pearson	West
Crosser	Johns	Poage	Wheat
Curtis	Johnson, Ill.	Polk	Whittington
Ditter	Johnson, Ind.	Powers	Wigglesworth
Dondero	Johnson, Luther	Rankin	Williams, Del.
Doxey	Johnson, Lyndon	Reed, Ill.	Williams, Mo.
Durham	Johnson, Okla.	Rich	Wolcott
Dworshak	Johnson, W. Va.	Robertson	Wolfenden, Pa.

NAYS—87

Angell	Claypool	Edmiston	Havenner
Bates, Ky.	Coffee, Wash.	Ferguson	Healey
Bloom	Cole, Md.	Flaherty	Hendricks
Brown, Ga.	Cooley	Fries	Hill
Burdick	Cravens	Gathings	Hobbs
Byrne, N. Y.	Cullen	Gibbs	Hunter
Byrns, Tenn.	D'Alesandro	Gossett	Izac
Caldwell	Delaney	Gregory	Jacobsen
Camp	Dingell	Griffith	Jarman
Cannon, Fla.	Dunn	Guyer, Kans.	Jones, Ohio
Casey, Mass.	Eberharter	Harrington	Kefauver

Keller	Mills, Ark.	Ramspeck	Spence
Kennedy, Martin	Nichols	Richards	Tolan
Kennedy, Md.	Norton	Risk	Van Zandt
Keogh	O'Connor	Rogers, Okla.	Vincent, Ky.
Kerr	O'Leary	Ryan	Voorhis, Calif.
Lemke	O'Neal	Sacks	Wallgren
McKeough	Pace	Sandager	Walter
McLaughlin	Patrick	Sasscer	Welch
McMillan, Clara G.	Patton	Scrugham	Wheelchel
Maloney	Peterson, Ga.	Shannon	Wolverton, N. J.
Mansfield	Rabaut	Snyder	

NOT VOTING—152

Allen, Ill.	Dies	Kramer	Reed, N. Y.
Anderson, Mo.	Dirksen	Lambertson	Rees, Kans.
Andresen, A. H.	Disney	Landis	Robinson, Utah
Barry	Doughton	Lanham	Romjue
Barton	Douglas	Larrabee	Routzohn
Beam	Dowell	Lea	Sabath
Bell	Drewry	Leavy	Satterfield
Bland	Duncan	Ludlow	Schulte
Boehne	Elliott	McArdle	Schwert
Boland	Ellis	McCormack	Seger
Bolles	Englebright	McGehee	Shanley
Boykin	Evans	McGranery	Sheridan
Bradley, Mich.	Faddis	McLean	Short
Bradley, Pa.	Fay	Maas	Smith, Conn.
Brown, Ohio	Fernandez	Maciejewski	Smith, Ill.
Buck	Fitzpatrick	Magnuson	Smith, Ohio
Buckler, Minn.	Flannery	Marcantonio	Smith, Va.
Buckley, N. Y.	Folger	Martin, Mass.	Smith, Wash.
Burch	Ford, Leland M.	Merritt	Somers, N. Y.
Byron	Ford, Thomas F.	Mitchell	Starnes, Ala.
Cartwright	Gartner	Mott	Steagall
Celler	Gavagan	Mouton	Stearns, N. H.
Chapman	Gearhart	Murdock, Ariz.	Sullivan
Clark	Geyer, Calif.	Murdock, Utah	Summers, Tex.
Clevenger	Gilchrist	Myers	Sweeney
Cluett	Grant, Ind.	Nelson	Taylor
Colmer	Green	O'Day	Thomas, N. J.
Connery	Hare	Oliver	Treadway
Cox	Hart	O'Toole	Vinson, Ga.
Crowe	Hartley	Patman	Ward
Crowther	Hinshaw	Peterson, Fla.	White, Idaho
Culkin	Hope	Pfeiffer	White, Ohio
Cummings	Jarrett	Pierce	Winter
Darden	Jeffries	Pittenger	Wood
Darrow	Kelly	Plumley	Woodruff, Mich.
Dempsey	Kennedy, Michael	Randolph	Woodrum, Va.
DeRouen	Kirwan	Rayburn	Youngdahl
Dickstein	Knutson	Reece, Tenn.	Zimmerman

So the amendment was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Dempsey with Mr. Treadway.  
Mr. Boykin with Mr. Plumley.  
Mr. Darden with Mr. Dirksen.  
Mr. McCormack with Mr. Culkin.  
Mr. McGehee with Mr. August H. Andresen.  
Mrs. O'Day with Mr. Bolles.  
Mr. Patman with Mr. Mott.  
Mr. Pfeiffer with Mr. Cluett.  
Mr. Wood with Mr. Gartner.  
Mr. Cox with Mr. White of Ohio.  
Mr. Chapman with Mr. Angell.  
Mr. DeRouen with Mr. Crowe.  
Mr. Dickstein with Mr. Connery.  
Mr. Larrabee with Mr. Murdock of Arizona.  
Mr. Schulte with Mr. Smith of Illinois.  
Mr. Snyder with Mr. Ludlow.  
Mr. Hart with Mr. Kirwan.  
Mr. Leavy with Mr. Pierce.

Mr. MAY changed his vote from "nay" to "yea."

Mr. BATES of Kentucky changed his vote from "yea" to "nay."

The doors were opened.

The result of the vote was announced as above recorded.

The Clerk read as follows:

Title XX—(H. R. 5089. Conferring jurisdiction upon the Court of Claims of the United States to hear, examine, adjudicate, and render judgment on the claim of the legal representative of the estate of Rexford M. Smith.) By Mr. SASSCER

That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding the lapse of time or the statute of limitations, to hear, examine, adjudicate, and render judgment under the act of June 25, 1910 (36 Stat. L., ch. 423, p. 851), as amended July 1, 1918, or any other enabling statute of the United States, on the claim of Charles A. M. Wells, as executor cum testamento annexo, under the last will and testament of Rexford M. Smith, deceased, or his successor, as the legal representative of the estate of said decedent, for the use of or the manufacture by or for the United States within the period of 6 years immediately preceding January 4, 1933, without license of the owner thereof or the lawful right to use or manufacture the same, of a certain invention of said Rexford M. Smith, deceased, described in or covered by Letters Patent No. 1,166,488, for aeroplane, issued by the Patent Office of the United States on January 4, 1916.

SEC. 2. That from any decision in any suit prosecuted under the authority of this act an appeal may be taken by either party as is provided for by law in other cases.

Mr. COSTELLO. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Beginning on page 24, line 10, strike out all of title XX.

Mr. COSTELLO. Mr. Speaker, the present bill is based upon the question of a patent right. The inventor of this patent has died and whatever benefit might accrue goes to his estate. The purpose of the section is to waive the statute of limitations for the benefit of this claimant. Under the law a person is entitled to recover under a patent for a period of 6 years prior to the date of filing suit. The action on this particular patent was filed on July 27, 1937; however, the patent expired on January 4, 1933, and under existing law the claimant would be entitled to recover on his patent for infringement during a period of 18 months from July 27, 1931, 6 years before the filing of the suit, up to January 4, 1933. The purpose of this bill is to waive the statute of limitations for the benefit of this one claimant and to allow the claimant to recover for a period of 6 years prior to the expiration of the patent.

No particular reason is offered to explain why this one claimant should be singled out and given preferential treatment. If the law is at fault, then the bill ought to provide for a change in the patent law, but as long as the patent laws provide for the period during which one can recover in connection with an infringement, then this claimant, like all others, should be treated in the same manner and we should not be called upon to change existing law.

The claimant alleges that she did not know of the infringement of the patent until this late date, but her failure to know about it is not the fault of the Government. If the Government was infringing on the patent it was the duty of the owner of that patent to be watchful and see whether the patent was being infringed, which the Navy Department disputes. We should not effect a waiver of the existing statute of limitations dealing with patent law unless there is some real justification. By so doing we will break down the laws that the Congress has established and for this reason I believe the title should be stricken from the bill.

[Here the gavel fell.]

Mr. SASSCER. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the undisputed facts in reference to this claim are as follows: Mr. Rexford Smith, who formerly lived at College Park, in Prince Georges County, Md., was a pioneer in the aviation field and invented what is known as an invisible chassis or undercarriage, the purpose of which is to draw up the wheels during the flight of an airplane, thereby making for greater speed and less air resistance.

He patented this device, and shortly after it was patented he entered into negotiations with the Government of the United States for the purchase of his patent rights. These negotiations went on for several years. Mr. Smith died and his wife, the claimant here, after taking out letters of administration, again started negotiations with the Government. All of this is uncontroverted. The Government advised her that the matter had been referred to some appropriate commission, the name of which I do not now recall, for further investigation. While these negotiations were going on and while she was of the opinion that an instrumentality of the Government was investigating these patent rights for the purpose of determining whether or not the Government would purchase them, some years went on. While this was pending, the Government did use the patent rights, which is borne out by the report filed by the Senate committee which investigated this matter some years ago. I think the exact words used by that committee were that "This patent was of great value and importance to the Government," both in connection with its armed forces and also in connection with its postal service.

Mrs. Smith more or less dispelled the matter from her mind while the Government was keeping her patent in a suspended state of animation and time went on. The next thing she knew the patent had been infringed upon. A suit was filed and under her claim the Court of Claims, if it finds the facts justify it, can adjudicate the claim for a period of 18 months, as stated by the gentleman from California. The usual period is 6 years. This section, without in any way directing the Court of Claims in the matter, without in any way tying its hands, merely permits that court, if it finds that Mrs. Smith is entitled to relief, to adjudicate the matter for 6 years, as permitted by the statute, rather than for 18 months as permitted under the present circumstances.

The gentleman from California said that there is no particular reason for the passage of this legislation, and that seems to be the only objection made in all of the reports, in which it is stated there is no reason to make an exception. The justification is that Mrs. Smith, a widow, did not sleep on her rights but was unintentionally misled by the Government telling her that the use of the patent would be investigated and that she would be advised later. While she was waiting, the Government started using the patent, and I respectfully urge under this state of facts the bill should be passed.

Mr. COSTELLO. Will the gentleman yield?

Mr. SASSCER. I yield to the gentleman from California.

Mr. COSTELLO. Is it not a fact that the Navy Department denies it ever infringed on the patent and that actually there will have to be proof offered that there was infringement? The Navy Department states that it did not infringe on the patent and that in itself would be one of the questions to be determined by the Court of Claims.

Mr. SASSCER. I think that is correct to a certain degree. The Navy, as I recall the report, admits that it was using a device somewhat similar to this, but does not admit it infringed this particular patent. The Court of Claims would be called upon to determine whether or not it did infringe.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The Clerk read as follows:

Title XXI—(S. 323. For the relief of E. C. Beaver, who suffered loss on account of the Lawton, Okla., fire, 1917)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,502 to E. C. Beaver, as compensation in full for loss of property destroyed by the fire on September 24, 1917, in the city of Lawton, Okla., such loss having been the result of the inability of the fire department of the city of Lawton to control said fire because of lack of water, all available water for fire-fighting purposes having been appropriated and being used by the War Department in connection with the training of soldiers at Fort Sill and Camp Doniphan: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 25, line 16, after "C.", strike out "Beaver, as compensation in full" and insert "Beaver, of Tulsa, Okla., in full satisfaction of his claim against the United States."

Amend the title.

The committee amendment was agreed to.

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The amendment was read as follows:

Amendment offered by Mr. HANCOCK: On page 25, beginning in line 10, strike out all of title XXI.

Mr. HANCOCK. Mr. Speaker, the claimant under this title, E. C. Beaver, of Lawton, Okla., was the owner of a meat market or a grocery store in that city in 1918 that was destroyed by fire. He now asks the Congress to reimburse him for his loss.

His claim is that the city of Lawton was unable to obtain enough water to fight the fire when it broke out because of



the fact that a large part of the water supply of that city had been diverted to Camp Doniphan, which was located a few miles outside the city. The claimant contends that the Government was guilty of negligence in not having a water guard at that point to turn back promptly the camp supply into the city mains when fire broke out in the city of Lawton.

I have read this report very carefully, and the only evidence I can find as to the agreement between the city and the War Department is in the report of the Judge Advocate General, and in a letter from General Wright, in command of Camp Doniphan, to the City Council of the City of Lawton. The agreement under which they were working is summarized in the letter of General Wright. It is very brief, and I wish you would pay attention to it, because this is the heart of the whole controversy:

CITY COUNCIL,  
City of Lawton, Okla.

GENTLEMEN: The following arrangements with respect to the water supply at Camp Doniphan and the city of Lawton has this day been agreed upon by the committee of the city council and the commanding general, Camp Doniphan:

The entire water supply of the present 16-inch pipe line is to be used for Camp Doniphan supply between the hours of 4 a. m. and 11 p. m.

The 16-inch pipe line is to be used by the city of Lawton between the hours of 11 p. m. and 4 a. m.

This arrangement is temporary and contingent upon the above water supply for Camp Doniphan being sufficient. Otherwise the entire capacity of the pipe line is to be at the service of Camp Doniphan exclusively.

This is the point I wish to emphasize:

In case of a fire in the city of Lawton the city water guard is to have authority to divert the entire capacity to the city during the emergency. In case of a fire in Camp Doniphan the water guard of the camp will have authority to divert the entire supply to the camp. This without reference to the hours at which the fire occurs.

W. M. WRIGHT,  
Major General Commanding.

The letter states the understanding under which the people of the city of Lawton and the War Department were working. The original contract made no reference to the possibility of a fire or the establishment of water guards or anything of the sort. It merely provided that the city of Lawton should supply water to Camp Doniphan in adequate quantities, for certain compensation. General Wright's letter supplements and clarifies the original agreement.

I cannot see that the Federal Government is guilty of any misconduct or any neglect of duty whatever. The city of Lawton, under the agreement, had the authority to establish a water guard at the point where the city main and the main to Camp Doniphan came together, and to divert that entire supply to the city of Lawton in case of an emergency. The responsibility rested with the city and not with the Army.

It is claimed that three-quarters of an hour elapsed from the time the fire broke out until the fire chief of the city of Lawton could make contact with an officer at Camp Doniphan with authority to order the camp supply of water diverted to the city mains, but my contention is that the city was at fault, in the first place, for not having a water guard at that junction point, and, in the second place, in not sending the guard there immediately to turn that water back to the city when the fire broke out.

The Government did nothing whatever that was in the least bit lacking in its full duty toward the city of Lawton. The entire responsibility for the lack of water seems to me to be on the officials of the city of Lawton.

There is not very much involved in this case. I believe \$1,500. The man had a \$1,000 fire-insurance policy, on which he has recovered, and the balance of his loss he claims is \$1,500.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I notice on page 161 of the report that the bill was originally introduced in the amount of \$75,000 and many beneficiaries other than Mr. Beaver were involved.

Mr. HANCOCK. I ought to add that Congress a number of years ago passed a bill awarding similar claims to other claimants. This man was not included among the beneficiaries of that bill. I believe it was a mistake to pass that bill originally, and I would have opposed it had I been here performing this very unpleasant duty at that time. However, I do not believe that because we made a mistake at one time we have to repeat it, and I think Congress made a mistake when that bill was passed.

[Here the gavel fell.]

Mr. DISNEY. Mr. Speaker, I rise in opposition to the amendment.

As the gentleman from New York [Mr. HANCOCK] said a moment ago, this bill relates to the one man who was damaged who has not been paid. Many years ago \$75,000 was appropriated by this Congress to pay the other claimants.

If you will turn to page 65 of the report, you will find that the committee report makes reference to the matter of insurance. It states:

Because such buildings were of frame construction the insurance rates were exceptionally high, which explains the absence of insurance and also the damage done in so short a time.

Mr. Speaker, this is just another case of bureaucratic refusal to take responsibility, and this time it occurred in the War Department. The city did make this contract. The water came down from the mountains by gravity. No other serious fire ever happened at Lawton, because the amount of water and the gravity pressure was sufficient to take care of the situation.

Between the city and the mountains where the lake was located was a cut-off to the camp. On page 64 the committee report states:

The city of Lawton was to keep a water guard at a cut-off on said pipe line at the edge of said city to control the water in case of fire at Fort Sill, and the military authorities were to keep a water guard at the junction point where the water was diverted from the main pipe line to said Camp Doniphan to control the water supply in case of fire at Lawton, and as in such agreement provided.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. DISNEY. I yield.

Mr. HANCOCK. Where can I find that agreement in the Record?

Mr. DISNEY. It is in the committee report, and that has always been my understanding; but let me now proceed. I did not interrupt the gentleman. I do not want to be discourteous, but my time is limited.

There was a cut-off between the city and the lake where the water supply came from, and that cut-off went to the camp. As I understand it, there was a cut-off at the city, and there was to be a guard at each place. Where the authority for that is I cannot turn to immediately, but that was the practical situation.

When the fire broke out, as you will see if you will turn to page 72 of the report, the people of the city put in three-quarters of an hour trying to get somebody out at the camp to assume authority for turning the cut-off to let all the water go to the city of Lawton. It was one of those circumstances where nobody at Camp Doniphan would assume the authority to do the thing that was necessary, and it seems undisputed about the amount of time that was put in on that effort. The committee concluded that in the event that much time had not been consumed in that way, the full pressure of that 16-inch main would have averted the damage done by the fire, and the fire could have been put out. Somebody out at Camp Doniphan headquarters simply refused to accept the responsibility for going out there and turning on the cut-off to give all the water to the city.

This is all that is involved here, and every honest effort was made by the people in Lawton by telephone and otherwise. They even dispatched a messenger to go out to the camp to try to get something done, but, still, the Army moving slowly, in the case of this fire, after its own written contract had been entered into with the city, took 45 minutes to turn the water into the regular main.

I do not know of anything more that I can say. I do not see any reason for punishing this particular man by having

him sustain a loss of \$1,500, just because nobody at Camp Doniphan would assume the responsibility of turning this cut-off. The city did all it could while the Army did not do all it properly should have done.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield to me?

Mr. DISNEY. I yield.

Mr. JOHNSON of Oklahoma. I may say that I am familiar with this entire situation. I introduced the first bill with respect to the Lawton fire. I do not know this particular claimant, and I do not know whether there was any delay in the matter or not—

Mr. DISNEY. Let me interrupt there to say that this man was away for 10 or 12 years and did not know what had been done. He filed his claim originally, but it was left out because they could not locate him at the time.

Mr. JOHNSON of Oklahoma. That answers that part of the inquiry. I do know that it is a very just claim. I have never seen a worthier claim than the Lawton fire claim. I am thoroughly familiar with the entire history of the matter and this House passed a bill a few years ago, without a dissenting vote, to give the other claimants their just relief.

Mr. DISNEY. This bill has passed the Senate twice.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

Title XXII—(S. 766. For the relief of the Missoula Brewing Co.)

That the Secretary of the Treasury is authorized and directed to pay to the Missoula Brewing Co., of Missoula, Mont., out of any money in the Treasury not otherwise appropriated, the sum of \$1,250, representing the amount paid for 10 fermented malt liquor stamps of the 25-barrel denomination which were lost in the mail prior to their receipt by the said company: *Provided*, That the Missoula Brewing Co. shall first file in the Treasury Department a bond in a penal sum of double the amount paid for such stamps, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stamps herein described: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 26, line 11, after the word "Treasury", strike out the word "is" and insert "be, and he is hereby"; and in line 14, after "\$1,250", strike out the words "representing the amount paid" and insert "in full settlement of all claims against the United States because of payments of said amount."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Costello: Beginning on page 26, line 9, strike out all of title XXII.

Mr. COSTELLO. Mr. Speaker, this bill provides for the payment of \$1,250 to the Missoula Brewing Co. The company alleges a loss of 10 malt-liquor stamps through the mails.

The Members will observe that the committee report sets forth the postal regulations regarding the purchase of stamps through the mails, and it reads as follows:

Orders for stamps must be accompanied by cash, post-office money order, or certified check, and such stamps will be transmitted by ordinary mail, unless otherwise directed. If ordered to be forwarded by registered mail, money or postage stamps to pay the registry fee must also accompany the order. Stamps may also be forwarded by express at the expense of the taxpayer, but when transmitted by express, or by mail in any manner, it will be at the risk of the party ordering them. Government officers shall not be permitted to carry stamps from the collector's office to the brewer, nor shall Government officers at any other time have custody of uncanceled stamps.

The report states:

It appears, therefore, that the Missoula Brewing Co. had two direct and clear warnings that if the stamps were sent by ordinary mail it would be at its own risk. Notwithstanding those warnings, the company allowed the stamps to be sent to it by ordinary mail, with the result that stamps valued at \$1,250 have been lost.

The company sent in their request for the stamps. They failed to enclose any money to cover the cost of registration for the return of those stamps to the brewing company. It appears that the claimant company had two direct and clear warnings that if the stamps were sent by ordinary mail it would be at its own risk.

These stamps have no identifying mark and the fact that these stamps are used by someone else can never be determined, and therefore it would be of no value for the brewing company to put up a bond to indemnify the Government in the event the stamps should make their appearance. The stamps could not be identified if they did appear.

I also wish to call the attention of the Members of the House to the fact that less than 2 weeks ago we received a veto message, on a very similar bill, providing for reimbursement for stamps in the sum of \$2,500, and the President made this statement:

Unused documentary stamps in circulation, even though temporarily lost or misplaced, may, if found, be used to satisfy a stamp-tax liability; therefore, to refund money paid to collectors for temporarily lost or misplaced stamps would open the door to frauds upon the revenue. A knowledge of the denomination and serial number of such stamp would in itself afford no guaranty that they would not be later used by the finder or by some innocent purchaser.

In this case the stamps had the serial numbers on them. In the bill before us there were no identifying marks of any kind.

[Here the gavel fell.]

Mr. O'CONNOR. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, as I understand the facts delineated by the gentleman from California [Mr. COSTELLO] with reference to the veto message of the President, it had to do with stamps that were lost or misplaced in the office. I do not understand it had to do with stamps that had been placed in the United States mail by the Government to transport them to the place of intended use.

The gentleman from Montana, Congressman THORKELOSON, has given me a very clear statement of the facts. This bill has passed the Senate and received very careful consideration from the Committee on Claims, and that committee has reported the bill to the House with the recommendation that it do pass, with the committee amendments which have already been adopted.

The bill, as has been suggested, is for an amount to recompense the Missoula Brewing Co., which is engaged in the brewing business, in the sum of \$1,250. The company ordered the stamps from the Helena revenue office at Helena, Mont., in the sum of \$1,250, 10 stamps of \$125 each. They sent their check in payment thereof. There is not any question, there is not a scintilla of evidence to the contrary but what the United States Government received \$1,250 from the Missoula Brewing Co.

Then it is claimed by the United States Treasury Department these stamps were placed in the mail to be sent to Missoula to be used for the purpose of purchase. En route somehow these stamps were lost. In other words, the Missoula Brewing Co. never received the stamps, and as the revenue laws do not provide any method by which the company may be reimbursed, this bill is the only remedy that the brewing company has to recover the \$1,250 that it paid for the stamps.

There is not a scintilla of evidence in the record to show that these stamps were ever found or that they will ever be found or ever have been used. In addition to that, the United States Government is protected by a surety bond in the penal sum of double the amount claimed, namely, \$2,500, in the event the stamps are ever found and used to the Government's disadvantage.

Mr. ROBSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. ROBSON of Kentucky. How would the Government know whether or not those stamps had been found and used?

Mr. O'CONNOR. I am glad the gentleman brought that point out. There is a check-up in the manner in which the



business is conducted by the Missoula Brewing Co., and, in fact, all breweries.

First, the stamps are ordered from the deputy internal-revenue collector at Helena, Mont. The law requires that all Montana brewers, for instance, purchase tax-paid stamps from that office.

When the stamps are received by the breweries, entry must be immediately made on the books, describing the number and denomination of each stamp received, and those book entries must at all times correspond with a similar sales record kept by the deputy collector regarding sales to the breweries.

Third, monthly reports on all beer brewed, as well as all beer sold, are made.

Fourth, the beer run off from tanks to bottles passes through a Government meter, which is locked and sealed by the Government inspector, and the barrelage must correspond with the book entries of stamps purchased and with the deputy collector's record of stamp sales to us.

In other words, it would be utterly impossible for that brewery or any other brewery to receive those stamps and use them without the United States Government being apprised.

Mr. ROBSION of Kentucky. But my point is, if they got out and somebody else got them in some other State, could they be used?

Mr. O'CONNOR. They have a record of the sale of these stamps. They have serial numbers. If those stamps were used by any other brewery, to the detriment of the United States Government, the Government is protected in this bond that I spoke of in the penal sum of \$2,500, which was filed pursuant to the terms of the bill.

Fifth, Form 139, Internal Revenue Service, revised June 1935, must be made and filed on transfer of beer from brewery to bottling rooms, and actual stamps canceled, attached thereto, are taken up by Government inspectors at frequent intervals, usually once or twice a month, and these reports must likewise correspond with our records of stamps purchased and the collector's record of stamp sales to us.

I hope the amendment will be rejected.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

Mr. COSTELLO. Mr. Speaker, I offer another amendment. The Clerk read, as follows:

Amendment offered by Mr. COSTELLO: On page 26, line 18, after the words "denomination which", strike out the word "were" and insert in lieu thereof "are alleged to have been."

Mr. COSTELLO. Mr. Speaker, my purpose in offering this amendment is simply to clarify some language. The bill states that the stamps were lost in the mail. I am simply making it an allegation that they are alleged to have been lost in the mail, in view of the fact that they might not have been lost in the mail.

Mr. O'CONNOR. Mr. Speaker, I rise in opposition to the amendment. I suggest, in opposition to the amendment—and it is really not important—that these stamps were lost in the mail, and there is no evidence to the contrary. I think that the language of the bill is sufficiently explicit.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

For the relief of the legal guardian of Roy D. Cook, a minor. The Clerk read as follows:

Title XXIII—(S. 1157. For the relief of the legal guardian of Roy D. Cook, a minor)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Roy D. Cook, a minor, the sum of \$2,500, in full settlement of all claims against the United States for injuries suffered in an accident caused by the falling of a large United States mail box at Thirty-ninth and Hazelfern Place, in Portland, Oreg., on or about January 12, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 27, line 20, strike out "the sum of \$2,500" and insert in lieu thereof "of Portland, Oreg., the sum of \$1,000."

Page 28, beginning in line 5, after the word "*Provided*", strike out all down to and including the figure "\$1,000", in line 17, and insert in lieu thereof the following: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: Page 25, line 15, strike out all of title XXIII.

Mr. HANCOCK. Mr. Speaker, I think the House is weary of the Private Calendar; I know I am. This is the last item, and I will be very brief in explaining why I object to it. I think I can best do this by reading a paragraph from the report of the Postmaster General on this case:

The evidence disclosed in the investigation of this case showed that the injured boy was roller skating down an incline and going at a rapid speed as he approached a corner. As the boy got to the corner he noticed a car coming, and he deliberately steered into a storage mail box in order to break his speed. As he grasped hold of the box his feet shot out from under him and he pulled the box over on top of him. The investigation further disclosed that roller skating on the sidewalks of Portland is prohibited by local law. Mr. Floyd D. Cook, father of the injured boy, presented a claim against the Department under the provisions of 5 United States Code 392, as amended, which, after careful consideration, it was found necessary to disallow on the ground that the evidence did not establish that responsibility rested with the Government.

That is the whole story. This 8-year-old boy was roller skating on a sidewalk down hill when he saw an automobile coming into the intersecting street. He had either to fall down, crash into a tree, hit the automobile, or grab this mail box. He chose to run into the mail box. It fell over, and he was injured. The poor little fellow was in a tight spot, and he was bound to get hurt; but I cannot see that the Government is at fault in any way.

The only alleged neglect or failure is that the Government should have anchored that mail box to the ground or bolted it to the sidewalk and failed to do so. If that had been done the little boy would have been even more grievously injured than he was, he might have had his skull cracked. As it was, the impact of his little body knocked the box over and he was injured, but there was no way of escaping an injury in his predicament.

I am not going to take any more time on this—you are the jury. The question is, Was the Government negligent in having the mail box at that point, at the intersection of two streets, and failing to anchor it to the sidewalk?

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. COSTELLO. I merely wish to call the gentleman's attention to the fact that while the amount of this particular individual claim amounts to only \$1,000, actually the total amount involved in this one omnibus bill is \$2,417,311.25. Two bills, however, have been stricken from this omnibus bill and as a result the amount of \$1,395,230.62 has been stricken from the bill. There still remains, however, a minimum of \$1,022,080.63. I mention these figures merely to bring to the attention of the House how these bills climb up to sizable figures when a few of them are added together, even though some of the individual bills may be as small as \$1,000.

Mr. HANCOCK. Many small items added together make a substantial total. The gentleman from California and those of us who watch this Private Calendar do our utmost to hold the totals down. We are usually defeated, but we accept that with good grace. We are merely trying to call attention to what we think are the weaknesses of these private bills. We leave the decision, of course, entirely to your good judgment.

Mr. ANGELL. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this boy was 8 years old, and of course this heavy mail box in a tilting position ready to fall was an attractive nuisance. It was a large mail box, not one of these small mail boxes, but one of the type that weighs between 120 and 300 pounds. It was provided with four legs and provision was made in the bottom of the legs for bolting it down so it could be made stationary and not slide or tip over. It was placed in a residential district of the city of Portland. This little lad 8 years old was playing on the sidewalk, not in the street. Accidentally he bumped into this mail box and it tipped over on top of him. Because it was resting on sloping ground, not level, it did not take very much to tip it over. It was so unstable that when his little body was pushed against it it fell over, fell on top of him, and very nearly killed him. Here is what the committee found his injuries were:

1. Broke out four upper teeth.
2. Remainder of teeth in upper jaw loosened.
3. Fractured right upper jaw.
4. Dislocated right jaw.
5. Fractured chin.
6. Cut in chin requiring five stitches.
7. Cut in lower lip on right side, requiring five additional stitches.
8. Fractured lower jaw on left side.
9. Many other bruises about head, face, and body.

The committee also found that the doctors' and hospital bills amounted to practically \$1,000, which is the amount our committee is recommending, although the bill passed the Senate twice for \$2,500.

Unquestionably a lawyer will recognize that the Government was liable in placing a large, heavy box of that sort in such an unstable position in a residential district, where children played on the sidewalk. It was placed in a leaning position with two legs on the cement sidewalk and two legs in soft ground in the parking strip, so that it took very little to tip it over.

Mr. EBERHARTER. Will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. In the State of Oregon, where this accident occurred, this boy would not be guilty of contributory negligence, would he?

Mr. ANGELL. No; not in the least. He would be allowed to recover if this were a private individual and not the Government, who was negligent, in my judgment.

Mr. HANCOCK. Will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from New York.

Mr. HANCOCK. The gentleman stated the box was tilted in a dangerous position. I would like to call attention to the extent it was tilted. The top of the box was 1½ inches farther toward the curbstone than the base of the box, which is not a very severe angle.

Mr. ANGELL. In answer to the gentleman's statement, may I say that the Post Office Department itself acknowledged the fact that the box was in a tilting position. Here is what the only eyewitness to the accident testified:

That said storage mail box was so placed that it was standing in a tilting and sloping position toward Thirty-ninth Avenue and was imminently dangerous in itself. That said storage mail box was not fastened, notwithstanding the fact that screw holes are provided in each of the four legs. \* \* \* That said Roy D. Cook was not "going at a rapid speed as he approached the corner," but was going at an ordinary and/or slow rate of speed. That said Roy D. Cook did not deliberately steer into the storage mail box in order to avoid a car. That said Roy D. Cook did not grasp hold of the storage mail box deliberately but accidentally. That the said mail box was placed in a place imminently dangerous and on uneven terrain. That said storage mail box is exceedingly heavy and weighs from 120 to 300 pounds. That said Roy D. Cook was 8 years of age and was not old enough to appreciate the danger of said attractive nuisance.

If the Federal Government wants to take the position that notwithstanding through its negligence this boy all but lost his life and is permanently disfigured, it can escape responsibility, good and well. I hope my Government is more just than that.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I notice on page 178 the Acting Postmaster General states that when the boy grasped hold of the box his feet shot out from under him and he pulled the

box over on top of him. That is absolutely contrary to the statement of the opposition, because if the box had been anchored as it should have been, when the boy grabbed hold of it, instead of the box going over on top of him, the boy would not have been injured at all.

Mr. ANGELL. There was only one adult eyewitness to the accident and he has stated the facts as I have already stated them. The Post Office Department admits the heavy box was in a tilting position and ready to tip over, which it did when the boy bumped against it.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER. Without objection, the various titles to the bill, as amended, will be amended.

There was no objection.

#### EXTENSION OF REMARKS

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert an address delivered by ex-Congressman Leiber.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. FULMER]?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. KENNEDY]?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I want to thank the membership of the House for their consideration of the various items in the omnibus claims bill just passed. I call the attention of the Members to the fact that these bills are carefully scrutinized by the Committee on Claims. We go into these matters very carefully and every Member of that Committee has the interest of the Government at heart just as well as any other Member of the House. It is unfortunate indeed that after the committee labors many, many hours on these bills, reading through voluminous files and written evidence, and then brings them in for consideration, some Member who goes over the report very casually, picks out some specific sentence and makes that the basis of an objection. To show how misleading these statements can be, the gentleman from California [Mr. COSTELLO] just called attention to the fact that this bill originally carried some \$2,000,000, and that a little over a million dollars was stricken from the bill. This bill as actually passed carries an appropriation of less than \$50,000. Of course, if you include in the bill the contemplated amounts involved in jurisdictional matters, it will result in a different amount. One of these bills has in it an amount of approximately \$800,000. However, that is a matter for the Court of Claims to determine. It has to find whether that is the correct amount to which the claimant is entitled, if anything. It is misleading to point out to the Members that the House has just passed a bill providing for appropriations of over a million dollars when, as a matter of fact, the actual amount of money appropriated in the 20 items favorably acted upon totals \$47,796.05. [Applause.]

#### EXTENSION OF REMARKS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert in connection therewith a letter from Vilhjalmur Stefansson on the superiority of the clothing worn by the Finns over that worn by the Russians.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. COLLINS]?

There was no objection.



Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from a Philadelphia paper.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WALTER]?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that on tomorrow at the close of the legislative program in order for the day I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

#### EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein speeches made by Messrs. Warden and Hagie with reference to the sugar problem.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. HILL]?

There was no objection.

#### COMMITTEE ON MILITARY AFFAIRS

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs or any subcommittee thereof may be permitted to sit during sessions of the House throughout the balance of the week.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### MEETING OF WAR VETERANS IN CONGRESS

Mr. MAAS. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds in order to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MAAS. Mr. Speaker, on Wednesday morning at 11 o'clock in the room of the Committee on World War Veterans' Legislation will be held a meeting of all veterans in Congress of any war. It is quite important that all of you be there for the election of officers.

#### EXTENSION OF REMARKS

Mr. SECCOMBE. Mr. Speaker, in my remarks this morning commemorating the birth of William McKinley, I obtained permission to insert certain material. I find this matter may consume a little more than the permissible space in the CONGRESSIONAL RECORD. I ask unanimous consent that notwithstanding this fact I may be permitted to include this material in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SCHIFFLER asked and was given permission to extend his own remarks in the RECORD.

Mr. JACOBSEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein some information received from the Public Works Administration pertaining to hospitals.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. EDMISTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein an address delivered by my constituent, The Assistant Secretary of War, Hon. Louis Johnson, on Lessons From Finland.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. McLEOD. Mr. Speaker, last Thursday evening I spoke at the Olympia before the Detroit Committee for Law and Order, and had the pleasure of introducing my colleague, the gentleman from Illinois, NOAH M. MASON. I ask unani-

mous consent to extend my own remarks in the RECORD, and include therein the address of the gentleman from Illinois.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### STEAMSHIP "CITY OF FLINT"

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD by including a statement by Captain Gainard, of the *City of Flint*, appearing in yesterday's Washington Evening Star.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, for more than 300 years the Commonwealth of Massachusetts has had reason to be proud of her seafaring men and of the masters who have commanded vessels in the merchant marine and Navy.

Today the old Bay State can point with pride again to the accomplishments of her sailors. On Saturday, at Baltimore, the *City of Flint* ended a voyage which may well be termed a "saga of the seas." The events experienced by the master and the crew of this freighter read like a best-selling adventure story worthy the pen of a Joseph Conrad.

I am especially proud of the fine record made by the ship because two of its officers are residents of my congressional district. Capt. Joseph A. Gainard, the master of the ship, lives in the city of Melrose, Mass., while Assistant Engineer Harry Thistle is a resident of Lowell.

We all owe these men a tremendous debt of gratitude for the manner in which they conducted themselves during dramatic and trying days, thousands of miles away from home, when decisions had to be made upon one's own responsibility—and they were decisions upon which depended to a greater extent than most of us realize the national safety of our Government.

To Captain Gainard should go especial thanks for the manner in which he conducted himself, for the control he exercised over his crew, and for the good old Yankee common sense he used in dealing with situations fraught with danger not only to himself and his crew but to the diplomatic safety of his country, danger which many perhaps cannot imagine.

No master of recent years has had to face such trying difficulties as he; none has been called upon to make such tremendous decisions without outside aid or advice, and I think you will agree with me that no one could have done it better.

I shall not attempt to recite the adventures of the master and the crew of the *City of Flint*. The story is known to most of you. However, Captain Gainard has told me some of the trying details, and in telling of them he is loud in praise of his officers and crew for the manner in which they performed their duties and for their courage in the face of adversity and danger. There were times when it was exceedingly difficult for them to restrain themselves, to keep from retaking the ship from the Germans. As Captain Gainard said:

There would have been real trouble at any time I wanted it. My crew was ready to go or to stop, as I gave the word.

He knew that resistance would give the Germans the right to keep the ship and the crew, and that such an act would peril every other American ship the Germans might encounter in the future. He impressed upon his men the necessity of conducting themselves so as to stay within the rules and let the United States Government take care of things later.

In speaking of his experiences in Norway, after the ship had been released from its German captors, Captain Gainard gave high praise to the United States Minister, Florence Jaffray Harriman, saying that she had demonstrated fully her ability in a diplomatic post.

Through all of his dangerous and trying experiences Captain Gainard had the full support and encouragement of his wife, who at the moment hears my words of appreciation of her husband. She came from their Melrose home to Baltimore on Saturday to greet him. She is justly proud of the Captain's fine record. She is a charming, unassuming gentlewoman and teacher who must be very proud of her husband's splendid accomplishment. We all join her in gratitude and thanksgiving that her gallant husband is back on American soil and spared to the United States we hope for many years of distinguished service for his country.

What a wonderful, fine example of service Captain Gainard has set for the youth of the country. He is especially fond of boys and is a tremendous inspiration to them. I thank God for men of the caliber of Captain Gainard. [Applause.]

[Here the gavel fell.]

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. PITTENGER (at the request of Mr. KUNKEL), for today and tomorrow, on account of illness.

To Mr. LANHAM (at the request of Mr. LUTHER A. JOHNSON), for today, on account of illness.

To Mr. SATTERFIELD (at the request of Mr. BLAND), on account of illness in his family.

#### ADJOURNMENT

Mr. COSTELLO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes, p. m.) the House adjourned until tomorrow, Tuesday, January 30, 1940, at 12 o'clock noon.

### COMMITTEE HEARINGS

#### COMMITTEE ON NAVAL AFFAIRS

There will be a hearing Tuesday, January 30, 1940, at 10 a. m., before the Committee on Naval Affairs on H. R. 8026, to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

#### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Tuesday, January 30, 1940:

The following hearing was at first scheduled for Friday, January 5, but was later postponed until Thursday, January 25, 1940. Now it has been postponed again, this time being Tuesday, January 30, 1940, at 10 a. m.

H. R. 7357, to amend section 4472 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 465), to provide for the safe carriage of explosives or other dangerous or semidangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods; and for other purposes.

Tuesday, February 6, 1940:

H. R. 7527, to make effective the provisions of the Minimum Age (sea) Convention (revised), 1936, and for other purposes.

Wednesday, February 7, 1940:

Hearings will be continued Wednesday, February 7, 1940, at 10 a. m., on H. R. 6130, to provide for mandatory or compulsory inspection and permissive or voluntary grading of fish, fishery products, fishery byproducts, shellfish, crustacea, seaweeds, and all other aquatic forms of animal and vegetable life, and the products and byproducts thereof, and for other purposes.

Tuesday, February 13, 1940:

H. R. 1780, to amend section 7 of the act of June 19, 1886, as amended (U. S. C., 1934 ed., Supp. III, title 46, sec. 319), relative to penalties on certain undocumented vessels and cargoes engaging in the coastwise trade or the fisheries, and for other purposes.

H. R. 5837, to amend section 221 of the Shipping Act, barring certain aliens from participating in the benefits thereof.

H. R. 6770, to amend Revised Statutes 4311 (U. S. C. 251).

H. R. 7694, to amend section 4311 of the Revised Statutes of the United States.

Tuesday, February 20, 1940:

H. R. 4079, to amend sections 4353 and 4355 of the Revised Statutes of the United States.

H. R. 6751, to repeal certain laws with respect to manifests and vessel permits.

H. R. 5788, to amend the present law relating to the delivery of ships' manifests to collector of customs by excluding Sundays and holidays from the time within which such delivery may be made by the master.

H. R. 5789, to amend the present law relating to the delivery of ships' manifests to collectors of customs by excluding Sundays and holidays from the time within which such delivery may be made by the master.

Friday, February 23, 1940:

H. R. 7639, to provide for the examination of civilian nautical schools and for the inspection of vessels used in connection therewith, and for other purposes.

#### COMMITTEE ON FOREIGN AFFAIRS

There will be a hearing Tuesday, January 30, 1940, at 10:30 a. m., before the Committee on Foreign Affairs on House Joint Resolution 412, House Joint Resolution 430, and House Joint Resolution 436, for the relief of the distressed and starving women and children of Poland, and for other purposes.

#### COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, January 31, 1940, at 10:30 a. m. In re H. R. 7110 (LESINSKI), naturalization of certain natives of India.

#### COMMITTEE ON INVALID PENSIONS

The Committee on Invalid Pensions will hold public hearings in the committee room, 247 House Office Building, at 10 a. m., on the following dates on the matters named:

#### MEDAL OF HONOR PENSIONS

Thursday, February 1, 1940:

H. R. 3385. A bill to liberalize the provisions of the Medal of Honor Roll Act of April 27, 1916.

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Hearings will begin Monday, February 5, 1940, at 10 a. m., before the Petroleum Subcommittee of the Committee on Interstate and Foreign Commerce. State regulatory bodies will be heard first.

#### COMMITTEE ON THE JUDICIARY

On Wednesday, February 14, 1940, at 10 a. m., there will be a hearing before the Special Subcommittee on Bankruptcy and Reorganization of the Committee on the Judiciary on the bill (H. R. 8016) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto (municipal compositions). The hearing will be held in room 346, House Office Building.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1306. A letter from the Secretary of the Navy, transmitting the draft of a proposed bill to authorize the Secretary of the Navy to sell equipment and supplies to and perform work for the Commonwealth of the Philippine Islands; to the Committee on Naval Affairs.

1307. A letter from the Administrator, Veterans' Administration, transmitting the draft of a proposed bill to amend the Civil Service Retirement Act and other retirement acts; to the Committee on the Civil Service.

1308. A letter from the Acting Secretary of the Interior, transmitting an order canceling certain charges pursuant to the act of July 1, 1932 (47 Stat. 564); to the Committee on Indian Affairs.

1309. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated January 11, 1940, submitting a report, together with accompanying papers and an illustration, on a preliminary examination and survey of Whittings Creek, Middlesex County, Va.,



authorized by the River and Harbor Act approved August 26, 1937 (H. Doc. No. 582); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1310. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, Bureau of the Census, for the fiscal year 1940, amounting to \$5,125,000, to remain available until June 30, 1941 (H. Doc. No. 583); to the Committee on Appropriations and ordered to be printed.

1311. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to the appropriation for the Work Projects Administration, Federal Works Agency, for the fiscal year 1940 (H. Doc. No. 584); to the Committee on Appropriations and ordered to be printed.

1312. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the District of Columbia for the fiscal year 1940, in the amount of \$169,420 (H. Doc. No. 585); to the Committee on Appropriations and ordered to be printed.

1313. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the fiscal year 1939 in the sum of \$86,154, and supplemental estimates of appropriations for the fiscal year 1940 in the sum of \$139,375, amounting in all to \$225,529, together with two drafts of proposed provisions affecting existing appropriations for the Department of Justice (H. Doc. No. 586); to the Committee on Appropriations and ordered to be printed.

1314. A communication from the President of the United States, transmitting an estimate of appropriation of \$400,000 for the Post Office Department, supplementary to the amount of the estimate of \$15,674,149 for foreign air mail transportation contained in the Budget for 1941 (H. Doc. No. 588); to the Committee on Appropriations and ordered to be printed.

1315. A communication from the President of the United States, transmitting a supplemental estimate of appropriation of \$2,550 for salaries, Bureau of Accounts, Post Office Department, for the fiscal year 1940 (H. Doc. No. 589); to the Committee on Appropriations and ordered to be printed.

1316. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the Department of Labor for the fiscal year 1939 amounting to \$5,192 (H. Doc. No. 590); to the Committee on Appropriations and ordered to be printed.

1317. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior for the fiscal year 1940 amounting to \$16,017,000, together with draft of a proposed provision pertaining to the appropriations for the Alaska Railroad, 1939 (H. Doc. No. 591); to the Committee on Appropriations and ordered to be printed.

1318. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the National Labor Relations Board for the fiscal year 1940 (H. Doc. No. 592); to the Committee on Appropriations and ordered to be printed.

1319. A communication from the President of the United States, transmitting two drafts of proposed provisions pertaining to existing appropriations for the National Mediation Board for the fiscal year 1940 (H. Doc. No. 593); to the Committee on Appropriations and ordered to be printed.

1320. A communication from the President of the United States, transmitting three supplemental estimates of appropriation for the fiscal year 1940, for the Department of Agriculture, totaling \$6,565,000 (H. Doc. No. 594); to the Committee on Appropriations and ordered to be printed.

1321. A communication from the President of the United States transmitting a supplemental estimate of appropriation for salaries and administrative expenses of the Export-Import Bank of Washington, fiscal year 1940, amounting to \$10,000 (H. Doc. No. 595); to the Committee on Appropriations and ordered to be printed.

1322. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1940, amounting to \$886,500, together with the draft of proposed provision pertaining to the appropriation "General expenses, Light-

house Service, Coast Guard" (H. Doc. No. 596); to the Committee on Appropriations and ordered to be printed.

1323. A communication from the President of the United States, transmitting a draft of a proposed provision to amend an existing appropriation for the Employees' Compensation Commission, amounting to \$1,500,000, for the fiscal year 1940 (H. Doc. No. 597); to the Committee on Appropriations and ordered to be printed.

1324. A communication from the President of the United States, transmitting an estimate of appropriation for the Galipolis Sesquicentennial Commission, amounting to \$10,000, for the fiscal year 1940, to remain available until December 31, 1940 (H. Doc. No. 598); to the Committee on Appropriations and ordered to be printed.

1325. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year 1940, amounting to \$2,000,000, for the maintenance and improvement of river and harbor works, required in connection with the improvement of San Diego Harbor, Calif. (H. Doc. No. 599); to the Committee on Appropriations and ordered to be printed.

1326. A communication from the President of the United States, transmitting two supplemental estimates of appropriation for the Panama Canal, for the fiscal year 1940, to remain available until expended, amounting to \$233,500, as supplemental and in addition to the amounts contained under the same heads in the Budget for the fiscal year ending June 30, 1940 (H. Doc. No. 587); to the Committee on Appropriations and ordered to be printed.

1327. A communication from the President of the United States, transmitting five supplemental estimates of appropriations for the Department of State, for the fiscal year 1940, amounting to \$617,690, and a draft of a proposed provision pertaining to the appropriation "Salaries, Ambassadors, and Ministers," of that Department (H. Doc. No. 600); to the Committee on Appropriations and ordered to be printed.

1328. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, for the fiscal year 1940, amounting to \$500,000 (H. Doc. No. 601); to the Committee on Appropriations and ordered to be printed.

1329. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated January 11, 1940, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Beresford Creek, S. C., from Cooper River to Bridge Farm wharves, authorized by the River and Harbor Act approved August 26, 1937 (H. Doc. No. 602); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1330. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated January 11, 1940, submitting a report, together with accompanying papers and illustrations, on reexamination of St. Johns River, Fla., from Jacksonville to Lake Harney, requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted March 6, 1939, and the Committee on Commerce, United States Senate, adopted March 20, 1926 (H. Doc. No. 603); to the Committee on Rivers and Harbors and ordered to be printed, with three illustrations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII.

Mr. COCHRAN: Committee on Expenditures in the Executive Departments. H. R. 8151. A bill to provide travel expenses of civilian officers and employees upon official change of station; without amendment (Rept. No. 1534). Referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN: Committee on Expenditures in the Executive Departments. H. R. 8152. A bill providing for procurements without advertising; without amendment (Rept. No. 1535). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 7863. A bill to amend section 602 (e) of the

Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States; without amendment (Rept. No. 1536). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. House Joint Resolution 424. Joint resolution to authorize the United States Maritime Commission to acquire certain lands at St. Petersburg, Fla.; without amendment (Rept. No. 1537). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee on Agriculture. H. R. 7878. A bill to amend the crop-loan law relating to the lien imposed thereunder, and for other purposes; without amendment (Rept. No. 1538). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 385. Joint resolution establishing a Greenville Memorial Commission to formulate plans for the construction of a memorial building to commemorate the Treaty of Greenville at Greenville, Ohio; with amendment (Rept. No. 1539). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 8169. A bill to provide for an examination and survey of Farnham Creek, Richmond County, Va.; to the Committee on Rivers and Harbors.

H. R. 8170. A bill to amend the Canal Zone Code; to the Committee on Merchant Marine and Fisheries.

By Mr. BURCH:

H. R. 8171. A bill to require the filling of all vacancies in the position of assistant postmaster in first- and second-class post offices; to the Committee on the Post Office and Post Roads.

By Mr. DIMOND:

H. R. 8172. A bill to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery; to the Committee on Merchant Marine and Fisheries.

H. R. 8173. A bill to increase the pay of certain post-office employees in the Territory of Alaska; to the Committee on the Post Office and Post Roads.

By Mr. HENDRICKS:

H. R. 8174. A bill granting to employees in the Postal Service employed on a 40-hour 5-day-week basis additional time off in cases where a holiday falls on Saturday; to the Committee on the Post Office and Post Roads.

By Mr. KERR:

H. R. 8175. A bill to prohibit the exportation of tobacco seed and plants, except for experimental purposes; to the Committee on Agriculture.

By Mr. PEARSON:

H. R. 8176. A bill relating to sales and contracts to sell in interstate and foreign commerce, and to be cited as Federal Sales Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERSON of Florida:

H. R. 8177. A bill to provide that a veteran's compensation, pension, or retirement pay shall not be reduced during his hospitalization or domiciliary care; to the Committee on World War Veterans' Legislation.

By Mr. SACKS:

H. R. 8178. A bill to promote opportunities for employment by assisting the States in the construction of self-liquidating public works; to the Committee on Appropriations.

By Mr. SCRUGHAM:

H. R. 8179. A bill relating to mining, and providing for small loans by the Reconstruction Finance Corporation to facilitate the development and production of metals and minerals; to the Committee on Banking and Currency.

By Mr. SHEPPARD:

H. R. 8180. A bill to require that not less than 75 percent of the crew of any fishing vessel of the United States be citizens of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HAVENNER:

H. R. 8181. A bill to grant retirement benefits to Chinese, Japanese, and Hindu interpreters in the United States Immigration and Naturalization Service; to the Committee on the Civil Service.

By Mr. HOPE:

H. R. 8182. A bill to extend for 2 additional years the 3½ percent interest rate on certain Federal land-bank loans, and to provide for a 4 percent interest rate on land-bank-commissioner's loans until July 1, 1942; to the Committee on Agriculture.

By Mr. O'TOOLE:

H. R. 8183. A bill to protect borrowers and mortgagors under loans or mortgages insured pursuant to the National Housing Act against faulty workmanship or defective materials in the construction or alteration of homes; to the Committee on Banking and Currency.

By Mr. KRAMER:

H. J. Res. 444. Joint resolution creating a joint committee to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law; to the Committee on the Library.

By Mr. SMITH of Virginia:

H. J. Res. 445. Joint resolution to establish a commission for the celebration of the two hundredth anniversary of the birth of Thomas Jefferson; to the Committee on the Library.

By Mr. BLAND:

H. Con Res. 42. Concurrent Resolution establishing a commission to be known as the First American Legislative Assembly Commission; to the Committee on the Library.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 8184. A bill for the relief of Gussie Hart and Louis Hart; to the Committee on Claims.

By Mr. BUCKLEY of New York:

H. R. 8185. A bill for the relief of Theresa Rubano, mother, and Hilda Rubano, widow, of Peter Rubano, operative in the Secret Service Division, Department of the Treasury, who died on March 10, 1939, after honorable and meritorious service in behalf of the United States Government; to the Committee on Claims.

H. R. 8186. A bill for the relief of Toby Lena Rosenberg, alias Maria Louisa Nasco, alias Alejandrino Nasco Echegaray; to the Committee on Immigration and Naturalization.

By Mr. CRAVENS:

H. R. 8187. A bill for the relief of Lena B. Crouch; to the Committee on Claims.

By Mr. CURTIS:

H. R. 8188. A bill granting a pension to Blanche Burton; to the Committee on Invalid Pensions.

By Mr. DARDEN:

H. R. 8189. A bill for the relief of Alice W. Farnell, widow of Daniel N. Farnell, deceased; to the Committee on Invalid Pensions.

H. R. 8190. A bill for the relief of Mansbach Bro., Inc.; to the Committee on Claims.

By Mr. HENDRICKS:

H. R. 8191. A bill for the relief of the Leesburg Welding & Garage Co.; to the Committee on Claims.

By Mr. JENNINGS:

H. R. 8192. A bill granting an increase of pension to Clinton A. Short; to the Committee on Pensions.

By Mr. JOHNSON of Oklahoma:

H. R. 8193. A bill granting a pension to Arellie E. Ferguson; to the Committee on Invalid Pensions.

By Mr. MACIEJEWSKI:

H. R. 8194. A bill for the relief of Robert J. Tita; to the Committee on Claims.



By Mr. JOHN L. McMILLAN:

H. R. 8195. A bill for the relief of Ellis Duke, also known as Elias Duke; to the Committee on Claims.

By Mr. O'TOOLE:

H. R. 8196. A bill for the relief of Barney Gross; to the Committee on Immigration and Naturalization.

H. R. 8197. A bill for the relief of Knut Andersen; to the Committee on Immigration and Naturalization.

By Mr. SCHIFFLER:

H. R. 8198. A bill for the relief of Ellis A. Duncan; to the Committee on Claims.

By Mr. TENEROWICZ:

H. R. 8199. A bill for the relief of Alfonso Ciolino; to the Committee on Immigration and Naturalization.

By Mr. THILL:

H. R. 8200. A bill for the relief of Arnold H. Sommer; to the Committee on Claims.

By Mr. WELCH:

H. R. 8201. A bill for the relief of Abram L. Gerson (Abe A. Gerson); to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6276. By Mr. McANDREWS: Petition of the Chicago All-American Committee for the Defense of Human Rights, protesting against the Nazi and Communist outrages and atrocities; to the Committee on Foreign Affairs.

6277. By Mr. MACIEJEWSKI: Petition of the Chicago All-American Committee for the Defense of Human Rights, protesting against the Nazi and Communist outrages and atrocities; to the Committee on Foreign Affairs.

6278. By Mr. CARLSON: Petition of J. N. Marty and 23 others of the Sixth District of Kansas, favoring the Patman chain-store tax bill; to the Committee on Ways and Means.

6279. Also, petition of C. B. Keeley and 23 others of the Sixth District of Kansas, favoring the Patman chain-store tax bill; to the Committee on Ways and Means.

6280. Also, petition of John Nemecek and 21 others of the Sixth District of Kansas, favoring the Patman chain-store tax bill; to the Committee on Ways and Means.

6281. By Mr. CURTIS: Resolution of the Nebraska Chapter of the Associated General Contractors of America, concerning House bill 7695; to the Committee on Roads.

6282. By Mr. ENGEL: Petition of Edward Clouse, of Traverse City; Leon Wilson, of Manton; and others of the State of Michigan; to the Committee on Ways and Means.

6283. By Mr. HOPE: Petition of Floyd Blakeley, of Ashland, Kans., and 22 others, urging the enactment of the Patman chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6284. By Mr. LUTHER A. JOHNSON: Petition of Don A. Lewis, president of the Ellis Blackland Conservation Association, Midlothian, Tex., favoring a liberal appropriation for soil conservation; to the Committee on Appropriations.

6285. Also, petition of Alfred L. Bailey, first vice president, Texas State Federation of Labor, Fort Worth, Tex., and I. A. T. S. E. and M. P. M. O., Local No. 393, of Corsicana, Tex., opposing Senate bill 280; to the Committee on Interstate and Foreign Commerce.

6286. By Mr. MARTIN J. KENNEDY: Petition of the American Legion Auxiliary, Canarsie Unit, No. 573, Brooklyn, N. Y., urging support of House bill 7593; to the Committee on World War Veterans' Legislation.

6287. Also, petition of the Mine Inspectors' Institute of America, Pittsburgh, Pa., expressing opposition to Senate bill No. 2420; to the Committee on Mines and Mining.

6288. Also, petition of the State of New York Banking Department, New York City, concerning further chartering of Federal savings and loan associations, and power to the Federal Home Loan Bank Board; to the Committee on Banking and Currency.

6289. By Mr. KEOGH: Petition of Outdoorsman, Columbus, Ohio, concerning the passage of the revised Mundt bill (H. R. 7971); to the Committee on Rivers and Harbors.

6290. Also, petition of New York State Waterways Association, headquarters, Albany, N. Y., concerning Senate bill 2009, now pending before the House and Senate conference committee; to the Committee on Interstate and Foreign Commerce.

6291. Also, petition of Grand Street Board of Trade, Brooklyn, N. Y., concerning legislation that will prohibit the further expansion, and if possible curtail the importation of refined sugar made in tropical islands; to the Committee on Foreign Affairs.

6292. Also, petition of the Consolidated Coal Co., New York City, concerning the mine inspection bill (S. 2420); to the Committee on Mines and Mining.

6293. Also, petition of the Protestant Big Sister Council, of Brooklyn, N. Y., concerning the present limitation on importation of tropical refined sugar; to the Committee on Foreign Affairs.

6294. Also, petition of the Mine Inspectors' Institute of America, concerning the passage of Senate bill 2420; to the Committee on Mines and Mining.

6295. By Mr. LEAVY: Resolution of the Loomis Cattle and Horse Raisers' Association, passed at its regular December meeting, opposing the formation of the proposed Cascade National Park, pointing out that the livestock industry particularly in Okanogan County is dependent upon the State and national forest lands for grazing; that the creation of this proposed park would greatly increase the predatory animals which prey on domestic stock; that the closing of the area to hunting would increase game animals to such an extent as to jeopardize agricultural activities; and further pointing out that practically the entire area in the proposed park is at the present time under the jurisdiction of the Forest Service, which is efficiently and adequately developing said area; to the Committee on the Public Lands.

6296. By Mr. MONKIEWICZ: Petition of 41 citizens of Lakeville, Conn., urging quick and substantial aid for Finland; to the Committee on Foreign Affairs.

6297. Also, petition of 55 citizens of Manchester, Conn., protesting against the levying of excise or any other form of processing taxes on bread and other necessities; to the Committee on Agriculture.

6298. By Mr. PFEIFER: Petition of the Protestant Big Sister Council of the Brooklyn Church and Mission Federation, Brooklyn, N. Y., concerning new sugar legislation; to the Committee on Agriculture.

6299. By Mr. REED of Illinois: Petition of Paul E. Wallace, of Villa Park, Ill., and 61 others, protesting against the levying of any excise or processing taxes on primary food products; to the Committee on Ways and Means.

6300. Also, petition of Joe Morreale, of Harvard; A. Chamberlan, of Elgin, and others of the State of Illinois, requesting the enactment of House bill 1; to the Committee on Ways and Means.

6301. By Mr. SCHIFFLER: Petition of G. Stanley Hamric, adjutant, the American Legion, Charleston, W. Va., urging the passage of legislation for the betterment of World War veterans and their dependents; to the Committee on World War Veterans' Legislation.

6302. Also, petition of G. Stanley Hamric, adjutant, the American Legion, Charleston, W. Va., urging the continuation of the Dies committee; to the Committee on Rules.

6303. Also, petition of G. Stanley Hamric, adjutant, the American Legion, Charleston, W. Va., opposing the passage of the bill providing for the forced retirement of Army officers who have reached a certain age in grade, regardless of their physical capacity, etc.; to the Committee on Military Affairs.

6304. By the SPEAKER: Petition of the State camp of Pennsylvania, Patriotic Order Sons of America, Philadelphia, Pa., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

6305. Also, petition of the Laymen's League of the Church of Our Father, Unitarian-Universalist, Detroit, Mich., petitioning consideration of their resolution with reference to material assistance to Finland; to the Committee on Foreign Affairs.

6306. Also, petition of the State camp of Pennsylvania, Patriotic Order Sons of America, Philadelphia, Pa., petitioning consideration of their resolution with reference to the appointment of Mr. Taylor to the Vatican; to the Committee on Foreign Affairs.

6307. Also, petition of Lee R. Rist, of Jacksonville, Ill., petitioning consideration of his resolution with reference to the Dies committee; to the Committee on Rules.

## HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 30, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God, our Heavenly Father, we entreat Thee to meet with us, transforming and ennobling our aspirations, our thoughts, and our endeavors. We thank Thee for our spiritual privileges and pray that we may have a fuller appreciation of our indebtedness to Thee. Grant us in the utmost simplicity and childlike confidence to consecrate our time to Thee and our homeland. Thou art our hiding place; Thou shalt preserve us from trouble; Thou shalt compass us about with songs of deliverance. Do Thou hear our prayer for all those in sorrow; for those who have been forsaken of the best and the dearest; for those who have been evilly treated; for the poor who are struggling with poverty and the winter's blast; and for those whose hearts have been invaded by tragedy and cannot tell the world their thoughts. O Thou who art sufficient for all things, be pleased to hear us. In our Saviour's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On January 25, 1940:

H. R. 7171. An act to amend section 22 of the Agricultural Adjustment Act.

On January 26, 1940:

H. R. 2953. An act authorizing States owning lands or interests therein acquired from the United States to include the same in certain agreements for the conservation of oil and gas resources; and

H. R. 3931. An act for the relief of Charles H. LeGay.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate insists upon its amendments to the bill (H. R. 7805) entitled "An act making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. McKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1036) entitled "An act to authorize the purchase of certain lands adjacent to the Turtle Mountain Indian Agency in the State of North Dakota," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER to be the conferees on the part of the Senate.

### EXTENSION OF REMARKS

Mr. COOPER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include a very able and splendid statement of Hon. Edward O'Neal, president of the American Farm Bureau Federation, at a hearing before the Ways and Means Committee on January 25, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNN asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in four instances: (1) A tribute to the late Representative William I. Sirovich; (2) the foreign-trade zone at New York; (3) on the subject Recovery, Not Higher Taxes; and (4) on loan to Finland.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

### PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that I may address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I had the honor to address this body last Wednesday, January 24, on the subject of the destruction of human life in Poland. You will find that address on page 621. Today, I have introduced a resolution, House Resolution 369, which has been referred to the Foreign Affairs Committee, and I hope that the committee will give it an early hearing and favorable consideration. I also trust that Congress will adopt this resolution since I feel that as a Government which was instrumental in the creation of the Polish state in the year 1918 it is our duty to express our sympathy with the suffering and unfortunate people of that state. Without burdening this House with any further statements I want to call the Members' attention to a press release of the New York Times of January 29, 1940, which gives a very clear picture of the happenings in Poland.

[From the New York Times of January 29, 1940]

MASS SHOOTINGS IN POLAND LAID TO NAZIS BY CARDINAL—MEMORANDUM, PRESENTED TO POPE, ACCUSES GERMANS OF BREAKING UP FAMILIES AND JAILING "SCORES OF THOUSANDS"

(By Camille M. Clafarra)

ROME, January 28.—Details of mass shootings, man hunts by German Gestapo (secret police) agents, plundering and persecutions conducted with cold-blooded brutality and ferocity are contained in a memorandum published today describing what is held to be the situation of the Catholic Church and of the Polish people in the archdioceses of Gniezno and Poznan.

The memorandum, which is authorized by August Cardinal Hlond, Primate of Poland, was presented to the Pope last week. On it the Vatican based several of its recent broadcasts of Polish atrocities in German-occupied Poland. The 11,000-word document contains seven reports covering conditions up to the 30th of December 1939.

It charges Germany with deliberately wanting to destroy the Catholic religion and depopulating of all Polish nationals in the territories of Pomerania, Poznan, and Silesia, which she has annexed. To carry out this policy, the memorandum says, the Germans have closed the churches in several districts and are deporting Poles from every walk of life, be they of the nobility or of the lower classes, to concentration camps in Germany.

They are sending young Polish boys and girls still in their teens to Germany, it is asserted, in order to imbue them with Nazi ideals. Older persons are herded into railroad cars and dumped after several days' journey in towns within the area called "Government General Poland," where they are kept in unsanitary overcrowded barracks and where they sleep on vermin-ridden straw mats.

Families are broken up, it is charged, the father usually being deported to a concentration camp, the mother abandoned to her fate with no money or belongings, and the children, if they have survived the hardships, sent to Germany.

The memorandum makes clear that inasmuch as the forced Polish emigration from the German-annexed districts must end by April 1, millions of Poles are expected to be packed into the Gouvernement General territory in a few weeks. They will be completely destitute and therefore, the document says, famine and decimation by epidemics are expected.

"It will be a true extermination, conceived with diabolical cunning and carried out with unequalled cruelty," says the memorandum, which then appeals for Red Cross aid and foreign relief commissions in Gouvernement Poland, where it stresses "the last act of the unbelievable tragedy is about to take place." Many of those sent there, it adds, will die of hunger in the spring.

The number of Poles shot up to December 30 runs into several thousands and those jailed into scores of thousands, according to one of the reports.

"The Polish population is barbarously persecuted," it says. "The number of people shot runs into several thousands, those in jail number scores of thousands. In the jails appalling things take place. At Bydgoszcz, for instance, prisoners were forced to lie full